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THE
PRIVATE AND LOCAL ACTS
OF
NOVA-SCOTIA.

2 N. S. / Laws, statutes etc

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PRIVATE AND LOCAL ACTS

OF

NOVA-SCOTIA.

PREPARED BY

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COMMISSIONERS FOR REVISING AND CONSOLIDATING THE LAWS OF THE PROVINCE,
AND PUBLISHED UNDER THEIR SUPERINTENDENCE, PURSUANT TO AN
ACT OF THE LEGISLATURE.

HALIFAX, N. S.:

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STOA JACOB BNA STATION

HALIFAX, NOVA SCOTIA:
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PROVINCE OF NOVA-SCOTIA.

AN ACT TO REGULATE THE PUBLICATION OF THE REVISED STATUTES AND OF THE PRIVATE AND LOCAL ACTS.

Passed 7th April, 1851.

Be it enacted, &c.—1. The four commissioners who have revised and consolidated the provincial laws, shall superintend the printing and publication of the revised statutes, and the re-publication of the private and local acts.

2. The commissioners shall prepare a certificate, that such statutes and acts have been so printed and published under their superintendence, and a copy shall be printed with such statutes and acts respectively, which shall thereupon be received as authentic in all courts.

3. The commissioners are authorized to omit in the re-publication of the private and local acts, all formal enacting words not in anywise affecting the meaning thereof, such as, "*Be it enacted*," and words of a similar import; and all sections, or parts of sections, which have been repealed by subsequent enactment, and the acts or sections of acts so repealing the same, noting the date of such repeal.

WE certify that this volume, containing the private and local acts of Nova-Scotia, has been printed and published under our superintendence.

WM. YOUNG,
J. McCULLY,
J. W. RITCHIE,
JOS. WHIDDEN.

Halifax, N. S., 1st September, 1851.

PREFACE.

UNDER the authority conferred by the act printed upon the preceding page, the commissioners for revising and consolidating the laws of the province have collected for re-publication such of the private and local acts as now remain unrepealed by the concluding chapter of the revised statutes.

The commissioners have attempted to arrange these acts with reference to their subject matter, and without much regard to chronological order,—but have added the year of reign of the passing of each act, and the number of the chapter, in a marginal note.

A concise index, adapted to the nature of the work, will be found at the close of the volume.

Halifax, Nova Scotia, 1st November, 1851.

PRIVATE AND LOCAL ACTS.

AN ACT FOR FOUNDING, ESTABLISHING AND MAINTAINING, A COLLEGE IN THIS PROVINCE. 29 Geo. 3. chap. 4

Whereas the permanent establishment and effectual support of a college at Windsor, may, by the blessing of God, become of the greatest public utility to this province and to his majesty's neighboring colonies :

1. *Be it therefore enacted, &c.*, That a sum not exceeding four hundred and forty-four pounds, eight shillings and ten pence half-penny, current money of Nova-Scotia, equal to four hundred pounds, sterling money of Great Britain, shall be yearly, and every year granted, allowed and paid by, from, or out of, such monies as may from time to time be collected and paid into the public treasury of this province from the duties imposed, or to be imposed, on brown, and loaf or refined, sugars ; and in case such duties are not sufficient to answer the said sum at the days and time of payment thereof, then by, from, or out of any other aids, supplies or taxes not otherwise specially appropriated to other uses ; which sum of four hundred and forty-four pounds, eight shillings and ten pence half-penny shall be drawn by warrant, under the hand and seal of the governor, lieutenant-governor, or commander-in-chief for the time being, on the provincial treasurer in the way usually practised in equal quarterly payments, the first quarter to commence the first of January, one thousand seven hundred and eighty-nine, and to be drawn for on the first of April, and so on from quarter to quarter, as the same shall grow due, on the requisition of the governors of the said college, or the major part of them, as hereinafter appointed, for or towards the maintenance and support of the said college, and the payment of the salaries of the president and professors to be by them appointed.

2. The governor and commander-in-chief of the province of Nova Scotia for the time being, the lieutenant-governor for the time being, the bishop of Nova Scotia for the time being, the chief justice for the time being, the secretary of the province for the

Preamble.

Annual allowance for the college.

Chargeable on the duties on sugar, and, if insufficient on other articles.

Governors of the college.

time being, the speaker of the house of assembly for the time being, his majesty's attorney general for the time being, and his majesty's solicitor general for the time being, shall be governors of the said college.

Incorporated by the style of "the governors of King's College of Nova Scotia."

Governors to make laws, use a common seal, and to purchase, or receive, for the use of the college goods and lands.

3. For the better management and regulation of the said college, and the more full and complete executing the purposes of this act, the said governors, hereby appointed, shall be a body politic and corporate, in deed and name, and have succession forever by the name of "the governors of King's College of Nova Scotia," and by that name shall sue and be sued, implead and be impleaded, in all courts and places within the province of Nova Scotia; and they, or the major part of them, shall have power to have and use a common seal, to be appointed by themselves, and to make bye laws and ordinances for the regulation and general management of the said college, and to assemble together, when and where, and as often, and upon such notice as to them shall seem met, for the execution of the trust hereby reposed in them; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said college, and the purposes of this act, as well goods and chattels, as lands, tenements, and hereditaments, any law or statute to the contrary thereof notwithstanding.

Duty of the governors.

4. The governors of the said college, so appointed and incorporated by this act, or such major part of them, at any general meeting assembled, shall from time to time, and as they shall think fit, make and establish such statutes, rules and ordinances, for the instruction, care, and government of the students, and for the care and preservation of the books, furniture, and other property belonging to the said college, as to them shall seem meet, and shall and may in like manner nominate and appoint the president and professors, the president always to be a clergyman of the established Church of England, duly qualified for that office, to whom the tuition of the students in the said college shall be committed: and also to appoint such officers and servants from time to time, as the said governors, or such major part of them, may think necessary, and assign to them respectively out of the said sum of four hundred and forty-four pounds eight shillings and ten-pence half-penny, annually granted by this act, such salaries and allowances as they shall think fit, and shall and may in like manner suspend or remove the president, professors, officers and servants, or any or either of them, for misbehavior or neglect of duty; and no president, professor, officer or servant of the said college, unless in cases of sickness, shall absent themselves from their respective duties, without the express leave of the governors, or the majority of them, who are hereby authorized to appoint a deputy or deputies to fill the office of such president or professor in such cases, and to appropriate a part or the whole of the salary of the president or professor, absent as aforesaid, for the payment of such deputy.

Appointment of professors.

No professor or servant to absent himself without leave.

5. Besides the four hundred and forty-four pounds, eight shillings and ten pence half-penny, hereby annually granted for the purposes of the said college, it shall and may be lawful for the governor, or lieutenant-governor and commander-in-chief, at the requisition of such major part of the governors of the said college, to draw by warrant from the treasury of this province, a sum not exceeding five hundred pounds, to enable them to purchase such house, lot of ground and premises, in the township of Windsor as they may choose and think requisite and proper, for the purpose of founding and establishing of such college.

Grant of £500 to purchase a house, &c., in Windsor for the college.

6. It shall and may be lawful for the said governors to provide a person, well and sufficiently qualified, to act as a temporary president, and also a person or persons, well and sufficiently qualified, to act as temporary professors, who shall be immediately employed in the education of youth; and the said governors shall and may continue to apply such parts or shares of the said sum, hereinbefore granted, for the payment and support of such temporary establishment, until a sufficient building shall be erected, and a charter obtained from our most gracious sovereign to authorize the opening of such college in due form.

Governors to provide a temporary president or professors, until a sufficient building be erected, and a charter obtained from her majesty.

AN ACT TO INCORPORATE THE ALUMNI OF KING'S COLLEGE, WINDSOR.

10 Vic., chap. 63.

Passed 30th March, 1847.

Whereas a number of persons have associated themselves under the name of the Alumni of King's College, Windsor, for the promotion of education, and have raised by private contribution sums of money which they are desirous to expend in aid of the funds of the said college, or the promotion of education in the said college, and the collegiate school at Windsor connected therewith, in or towards the maintenance and support of the teachers therein, or in such other way as may best conduce to the end which they have in view, and they are desirous of obtaining assistance from the legislature by the passing of an act of incorporation for enabling them to hold property, and manage their affairs with greater ease and convenience.

Preamble.

1. *Be it therefore enacted, &c.,* That John T. Twining, James B. Uniacke, Henry Pryor, Hugh Hartshorne, and all and every such other person and persons as now are members of or in the said society, and their successors, shall be, and are hereby appointed a body, politic and corporate, in deed and in name, by the name of "the Alumni of King's College, Windsor," and by that name shall have succession and a common seal, and by that name

The alumni of King's college, Windsor, incorporated.

shall sue and be sued, plead and be impleaded, at law and in equity, and in all courts and places, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things, real, personal, and mixed, and also to give, grant, sell, let, assign, or convey the same, or any part thereof, and to do and execute all other things in and about the same as shall or may be thought necessary or proper; and also shall have, from time to time, and at all times, full power, authority and license, to constitute, make and establish such bye laws, rules and ordinances, as may be thought necessary for the rule and good management of said society, the establishing of the officers proper for the management of its affairs, and declaring the extent, duration, and authority of the offices and officers of the society, and their mode of appointment, and generally for promoting the objects of the society. Provided such bye laws, rules, and ordinances be not contrary or repugnant to the laws and statutes of this province, or those in force within the same, or to the laws and statutes of King's college, Windsor, respectively, at the time such bye laws, rules, and ordinances may be constituted and established, or to the provisions of this act. And provided also that the said society shall not hold at any time, lands, tenements, hereditaments, goods, chattels, property, or effects of greater value than ten thousand pounds.

Proviso.

Annual subscription to be paid by members.

Proviso.

2. All persons paying an annual subscription of twenty shillings, or upwards, or making at one time a donation of twenty pounds or upwards, shall be entitled to be members of the said society, having been duly admitted pursuant to the bye laws thereof. Provided that such annual subscription or donation be actually paid into the funds of the society, and provided that no person now a member of the said society, or who hereafter may become a member of the same, shall at any time hereafter continue a member of the same, unless he shall have heretofore paid, or shall hereafter pay at one time into the funds of the said society, a donation of at least twenty pounds, or shall hereafter annually, and from year to year, pay into the said funds the sum of twenty shillings or upwards, and if such annual subscription, or payment of any such annual member, shall not be paid on the first day of May in each year, such member shall thereupon cease to be a member of the said society, until such annual subscription or payment shall be actually paid, or until such person shall otherwise become a member of the said society, under some bye law or rule thereof.

Management of society.

3. The said society shall be governed, and its affairs managed by a committee of nine, comprising a president, vice president, and seven other members, a secretary and treasurer; the said committee to be henceforth called the executive committee, and such other officers as the said society from time to time may think proper.

Present committee to continue in office.

4. John T. Twining, D. D., now the president of the said so-

ciety, shall, after the passing of this act, be the president of the said society; that the honorable Henry Hezekiah Cogswell, now the vice president of the said society, be the vice president of the said society after the passing of this act; that Samuel L. Shannon, esquire, now the secretary and treasurer of the said society, be the secretary and treasurer thereof after the passing of this act; and Samuel P. Fairbanks, Henry Pryor, James B. Uniacke, William J. Almon, Robert Fitzgerald Uniacke, Mather B. Almon, and Charles Twining, now the managing committee of the said society, shall, after the passing of this act, be the executive committee of the said incorporated society, until an executive committee be elected under this act.

See until appointment under act.

5. All persons, without regard to religious denomination, or difference of religious sentiments, may be, and at any time hereafter become members of the said incorporated society, being in all other respects entitled to be and become members of the said society, and now and at any time hereafter may hold any of the said appointments, or any other offices and appointments in the said incorporated society, being duly elected and appointed thereto pursuant to the bye laws thereof, anything contained herein, or in any rules, regulations, or bye laws of the said society, to the contrary notwithstanding.

Persons of all religious denominations eligible as members

6. The said society, incorporated as aforesaid, shall have power from time to time hereafter, to appoint the president, vice president, and executive committee, at some general meeting of the said society, by a majority of the members of the society present, the whole number present being not less than twenty members, according to such regulations concerning such appointments as may hereafter be made by any bye laws of the said society, to be made by virtue hereof.

Appointment of president, vice president, and committee.

7. The secretary and treasurer of the said society, and such other officers as may hereafter be required for the management of its affairs, shall be appointed in such manner as shall be declared by the bye laws and rules of the said society to be passed by virtue hereof.

Appointment of secretary and treasurer, &c.

8. All donations to the said incorporated society, to constitute life members, or otherwise of not less than twenty pounds, shall be invested under the direction of the executive committee, as a permanent fund for the benefit of the said society, and that the funds of the said incorporated society shall, from time to time, be paid and applied by the executive committee in such way and for such purposes only as any general meeting of the said society may direct or appoint; and that the executive committee shall be bound, and are hereby required annually to account to the society for all their acts, receipts, expenditures, and doings whatsoever, in the said office, and to make a report, annually, to the said society at its general meeting, of the progress and state of the said society, and of its affairs generally.

Investment of donations, and disposal of funds

9. A general meeting of the said society shall be held once,

General meeting.

that is to say, some time within the last ten days of the month of June, in each year; and as much oftener as may be directed by any rule or bye law of the said society.

Meeting of committee.

10. The executive committee of the said society shall meet and assemble as often as there may be occasion, and any three members shall form a quorum.

1 & 2, Geo. 4,
chap. 39.

AN ACT TO INCORPORATE THE GOVERNORS OF THE DALHOUSIE COLLEGE, AT HALIFAX.

Preamble.

Whereas our most excellent sovereign George the fourth hath been graciously pleased to signify his royal will and pleasure to the right honorable George, earl of Dalhousie, late his majesty's lieutenant-governor of this province of Nova-Scotia, and now his majesty's governor-general of his majesty's North American dominions, that a college for the education of youth in the higher branches of science and literature, as they are taught in the college or university of Edinburgh, in Great Britain, should be established at Halifax, in Nova-Scotia; and that the sum of nine thousand seven hundred and fifty pounds, of current money of Nova-Scotia, belonging to his majesty, in the hands of the said earl of Dalhousie, should be appropriated and applied to the use and service of the said college; and whereas, the sum of two thousand pounds of like money has been granted by the general assembly of Nova-Scotia, for the purpose of finishing and completing a building to be erected; and whereas the sum of four thousand seven hundred and fifty pounds have been expended on a building erected for the purpose, on the lot of ground, the property of his majesty, known by the name of the grand parade, facing St. Paul's church in Halifax, and the residue of the said sum of nine thousand seven hundred and fifty pounds hath been expended in the purchase of eight thousand two hundred and eighty-nine pounds nine shillings and six pence, in the three per cent. consolidated annuities, standing in the name of the right honorable George, earl of Dalhousie, the honorable Sampson Salter Blowers, and the honorable Michael Wallace, as an endowment for the use and service of the said college or seminary of learning at Halifax; and whereas it is expedient for the more perfect establishment of the said college, and for incorporating the trustees and members thereof, for the purposes aforesaid, and for such further endowment thereof as to his majesty shall seem meet:

Establishment of
Dalhousie college.

1. *Be it therefore enacted, &c.*, That upon the same land, and in the building or buildings so erected or to be erected thereon, in the town of Halifax aforesaid, there shall be established, from

this time, one college, for the education of youth and students in the higher branches of science and literature, as they are commonly taught in the college or university of Edinburgh aforesaid, and to be called Dalhousie college; and that the said George, earl of Dalhousie, governor-general of his majesty's North American dominions, or the governor-general thereof for the time being; Sir James Kempt, knight grand cross of the most honorable military order of the bath, lieutenant-governor of the said province of Nova Scotia, or the lieutenant-governor of the said province for the time being; the right reverend Father in God, Robert Stanser, bishop of the diocese of Nova Scotia, or the bishop of the said diocese for the time being; the honourable Sampson Salter Blowers, chief-justice of the said province and president of the council, or the chief-justice and president of the council of the said province for the time being; the honourable Michael Wallace, treasurer of the said province, or the treasurer of the said province for the time being; Simon Bradstreet Robie, esquire, speaker of the house of assembly of the said province, or the speaker of the house of assembly for the time being; together with such person as shall be elected president of the said college, in manner hereinafter mentioned, shall be governors of the said college: and that the said college shall consist of three or more chairs or professorships—the first of the Greek and Latin classics—the second of the mathematics, natural and experimental philosophy—and the third, of theology and moral philosophy, at such salaries, and subject to such provisions, regulations and limitations, as shall be appointed by the rules and ordinances of the college; and that the said governors, or the major part of them, shall have the power of electing the president of the said college for the time being, to be a governor of the said college.

Governor.

Professorships.

2. The said governors and their successors, shall be one distinct and separate body, politic and corporate, in deed and in name, by the name and style of the governors of Dalhousie College at Halifax, in the province of Nova Scotia, and by the same name they shall have succession and a common seal, and they and their successors, or the major part of them, as a body corporate in deed and in law, shall be capable to have, receive, purchase, hold, possess and retain, to and for the use of the said college, any messuages, lands, tenements and hereditaments, of what kind, nature or quality, so as the same do not exceed, in yearly value, the sum of five thousand pounds above all charges; and also any goods and chattels, gifts and benefactions whatsoever; and that the said governors and their successors, by the same name, shall and may be capable in law, to sue and be sued, implead and be impleaded, in all or any court or courts of record, or places of judicature, in any or all of his majesty's dominions; and in all actions, causes, matters and demands whatsoever, and of what nature or kind soever, in as large and ample manner and form, as any other body politic or corporate, or any other liege subjects may or can do.

Governors incorporated.

Rules and ordinances.

3. The governors of the said college, or the major part of them resident in the said province, shall have power and authority to make rules and ordinances, touching and concerning the good government of the said college, the studies, lectures and exercises thereof; the election, qualification and residence, of the president, professors and students; the management of the revenues and property of the said college; the salaries and provisions of the president, professors, students and officers of the said college; and also touching and concerning any other matter and thing respecting the said college, which to them shall seem fit and useful thereto; and also from time to time to revoke or alter the said rules and ordinances as to them, or the major part of them, shall seem meet and expedient. Provided, that the said rules and ordinances shall not be repugnant to the laws and statutes of the realm, or of the said province of Nova Scotia. Provided also, that no test or engagement shall be required of the students, except the Sponsio Academica, according to the form used in the said college of Edinburgh; and that the internal management and regulation of the said college and institution, shall be committed to the Senatus Academicus formed by the respective chairs or professorships thereof.

Test or engagements required of students.

Professorships may be increased.

4. The said governors, or the major part of them, shall have full power and authority, as the circumstances and the funds of the college may render expedient and proper, to increase the number of chairs or professors, and to authorize the establishment and courses of lectures on subjects of science and literature, and to fix and determine the salaries of lecturers, and the prices to be paid by the students for the tickets of admission and instruction afforded to them.

Visitor of college.

5. Such person or persons as his majesty, his heirs and successors, may see fit from time to time to appoint, shall be visitor or visitors of said college.

Act suspended, assented to by her majesty.

6. This act shall not be in force, until his majesty's royal approbation be thereunto had and declared.

4 Geo. 4, chap. 7. AN ACT AUTHORIZING THE LENDING A SUM OF MONEY TO THE GOVERNORS OF DALHOUSIE COLLEGE, AND FOR SECURING THE REPAYMENT THEREOF.

Preamble.

Whereas a large sum of money has been expended in erecting the Dalhousie college, and which is now nearly completed, but debts incurred in its erection cannot be discharged without disposing of part of the monies placed in the English funds for the support of

professorships, the doing which would entirely prevent the governors of the said college from proceeding any further towards the accomplishment of the objects for which the said building was erected and endowed. And whereas it would be injudicious, after the expenditure of large sums of money upon the said building, that the further progress of the governors should be delayed, without a fair trial being made of the usefulness of the said institution: therefore, in order to enable the governors of the said college to discharge the said debt:

1. *Be it enacted, &c.*, That a sum not exceeding five thousand pounds, in treasury notes, be lent to the governors of the said college for five years, on the terms and conditions hereinafter expressed; and shall be drawn from the treasury of the province, by warrant from his excellency the lieutenant-governor, or commander in chief, for the time being, in favor of the governors of the said college. Loan to governor.

2. The monies in the British funds, belonging to the said college, being eight thousand two hundred and eighty-nine pounds nine shillings and six pence sterling of three per cent. consolidated annuities, shall be and stand pledged to the province as security for the re-payment of the said sum of five thousand pounds; and that the same shall be paid into the treasury of the province, whenever, after the said five years, the same shall be required as hereinafter directed; and in order that the said governors of the Dalhousie college may be enabled fully to carry into effect the provisions of this act, they are hereby authorized to adopt such measures as may be necessary to enable the trustees, in whose names the said sum of eight thousand two hundred and eighty-nine pounds nine shillings and six pence sterling is invested in the three per cent. consolidated annuities, to dispose of so much of the said sum of money as shall be sufficient to repay to the province the sum of five thousand pounds, lent to the governors of the said college. Provided, the same shall be required by a resolution of the house of assembly of this province, after the expiration of the said five years. Security.

3. The said building, called Dalhousie college, with the ground pertaining to the same, be, and the same are hereby pledged, to the province, as an additional security, for the repayment of the said sum of five thousand pounds, and are hereby made liable for the re-payment of the said sum of five thousand pounds, or such part thereof as shall be due after the expiration of the said term of five years, provided the said sum of money in the said three per cent. consolidated annuities shall be insufficient to discharge the same. Additional security.

4 Vic., chap. 38. AN ACT TO AUTHORIZE THE APPOINTMENT OF A NEW BOARD OF GOVERNORS OF THE DALHOUSIE COLLEGE AT HALIFAX.

Passed 29th March, 1841.

Preamble.

Whereas by the act passed in the first and second year of the reign of his late majesty king George the fourth, entitled, an act to incorporate the governor the Dalhousie college at Halifax, the number of the governors said college is restricted to six, whereof the governor-general of her majesty's North American provinces for the time being is one, whose absence renders it impracticable that he should act in such capacity; and whereas doubts have arisen whether the honorable chief justice of this province, being now no longer president of the council, has not ceased to be a governor, so that in reality the number of governors, who can or will act, is reduced to four; and whereas it will greatly promote the object and design of such college, the diffusion of education among all classes of her majesty's subjects in this province without distinction as to religious belief, if the number of governors were increased, and were composed of persons selected generally from various denominations of christians:

Governor with the advice of the executive council to appoint governors of Dalhousie college.

1. *Be it therefore enacted, &c.*, That it shall and may be lawful for the governor, lieutenant-governor or commander-in-chief for the time being, by and with the advice of the executive council, to nominate and appoint, by commission, under the great seal of this province, such and so many fit and proper persons as may be deemed proper to be governors of said Dalhousie college at Halifax; and when and so soon as such commission shall be issued, the governors of the said college, by the said act appointed, shall cease to have any power or authority whatever as such governors, and the persons so newly appointed and commissioned, shall have all the powers and authorities as governors of the said college, as if such persons had been originally named as governors, in and by the said act hereinbefore mentioned and hereby amended.

Vacancies among the governors to be supplied in like manner.

2. In case of any vacancy or vacancies arising among the governors of the said Dalhousie college, to be appointed under this act, from time to time, by death, resignation, permanent absence or removal of any such governor or governors, it shall and may be lawful for the governor, lieutenant-governor or commander-in-chief for the time being, by and with the advice of the executive council, to supply such vacancy or vacancies, by commissioning in the like manner as aforesaid, some fit and proper person or persons, in the place of the governor or governors so dying, resigning, or being permanently absent, or removed as aforesaid—which person or persons, so from time to time appointed to supply any such vacancy or vacancies, shall have the like powers and authorities as any other governor or governors appointed under this act.

3. The said college shall be deemed and taken to be an university, with all the usual privileges of such institutions; and that the students in the said college shall have liberty and faculty of taking the degrees of bachelor, master and doctor, in the several arts and faculties at the appointed times, and shall have liberty, within themselves, of performing all scholastic exercises for the conferring of such degrees, in such manner as shall be directed by the statutes, rules and ordinances of the said college.

Dalhousie college to be deemed an university, with the usual privileges.

Students may take degrees.

4. No religious tests or subscriptions shall be required of the professors, scholars, graduates, students or officers of the said college, but that all the privileges and advantages thereof shall be open and free to all and every person or persons whomsoever, without regard to religious persuasion, and that it shall and may be lawful for the governors of the said college to select as professors and other teachers, or officers, competent persons, of any religious persuasion whatsoever.

No religious test shall be required of professors, scholars, &c.

AN ACT TO AMEND THE ACT TO AUTHORIZE THE APPOINTMENT OF A NEW BOARD OF GOVERNORS FOR DALHOUSIE COLLEGE. 11 Vic., chap. 52.

Passed 11th April 1848.

Whereas it is expedient to amend the act passed in the fourth year of her present majesty's reign, entitled 'an act to authorize the appointment of a new board of governors of the Dalhousie college at Halifax.'

Preamble.

1. *Be it enacted, &c.*, That, on the passing of this act, it shall be lawful for the governor in council to appoint a new board of governors of Dalhousie college, to consist of not less than five nor more than seven members—which board shall hold office during pleasure—and to take such other steps for rendering the institution useful and efficient as to his excellency may seem meet; and from and after the appointment of such new board, the board at present acting therefor shall cease to have any power or authority whatever; and the persons so newly appointed, and their successors, shall have all the powers and authorities as governors of the said college, by the said act hereby amended, conferred upon the present board; and vacancies at such new board shall be supplied in the same manner.

Appointment of new board—its number, powers, &c.

3 Vic chap. 2. AN ACT FOR INCORPORATING THE TRUSTEES OF THE QUEEN'S COLLEGE, AT HORTON.

Passed 27th March, 1840.

Preamble.

Whereas a number of persons associated themselves in this province, in the year one thousand eight hundred and twenty-eight, under the name of the Nova Scotia Baptist education society, and raised, from time to time, by private contribution, large sums of money, exceeding four thousand pounds, which they have expended in the purchase of a farm and tract of land at Horton, and the erection of valuable and expensive buildings thereon, and the establishment and support of an academy there, and have been aided in their said undertaking by legislative grants of money: and whereas they have found it necessary and proper for carrying into full effect their aforesaid useful object, to establish, in addition to the said academy, a collegiate institution on the said ground and premises, under the name of the Queen's college, to be supported out of the funds, contributions and collections of the said society, which college, being now in operation, with a large number of students, they have petitioned the legislature for an act to incorporate its trustees, and extend to it collegiate privileges and pecuniary aid: and whereas the said society is supported by a large portion of the inhabitants of this province, and has, by great exertions and perseverance, and by very large pecuniary contributions as aforesaid, and the establishment of the said institutions, greatly advanced the interest of education in this province, and is therefore deserving of encouragement; and the said collegiate institution is likely to be of public benefit by affording the means of education in the higher branches of classic and scientific literature to the youth of the country, on sound moral and religious principles, in a manner suited to their means and habits, and thereby avoiding the danger of their leaving the province to complete their education abroad, and so being induced to settle in foreign countries:

The present executive com. and six other persons to be trustees and governors.

Two of the six to be named by the lieut. governor.

Two by the legislative council.

Two by the assembly.

Vacancies how to be supplied.

1. *Be it therefore enacted, &c.*, That James William Johnston, James Walton Nutting, William Chipman, Simon Fitch, William Johnston, Edmund Albern Crawley, John Pryor, Richard McLearn, Ingraham E. Bill, and Charles Tupper, now being the executive committee of the said education society, together with six other persons, that is to say, two persons to be named by his excellency the lieutenant-governor of the province of Nova Scotia, and two other persons to be named by her majesty's legislative council for the said province, and two other persons to be named by the house of assembly, shall be trustees and governors of the said Queen's college.

2. On vacancies occurring in the case of the persons named by his excellency the lieutenant governor, such vacancies may, from

time to time, be supplied by the governor, lieutenant-governor or commander in chief for the time being; and on vacancies in the case of the persons appointed by her majesty's legislative council, such vacancies may, from time to time, be supplied by the said council for the time being: and on vacancies occurring in the case of the persons appointed by the house of assembly, such vacancies may, from time to time, be supplied by the house of assembly for the time being.

3. The members of the executive committee of the said Nova Scotia Baptist education society, from time to time, and at all times hereafter, provided the same do not exceed twelve persons in number, and if at any time they should exceed that number, then such persons of the said executive committee, not to exceed twelve, as may be selected by the directors of the said society for such purpose, or in the absence of such selection, and until such selection, the first twelve of such executive committee for the time being, together with six persons to be appointed as aforesaid, or so many of them as may be appointed, from time to time, provided such appointments, or any of them, shall be made; but if such appointments shall not be made, then the members of the said executive committee, or in the case aforesaid, such twelve thereof as aforesaid, shall be, from time to time, and at all times hereafter forever, the trustees and governors of the said college, any thing herein to the contrary in any wise notwithstanding.

4. For the better management and regulation of the said college, and the more full and complete executing the purposes of this act, the said trustees and governors hereby appointed, and to be hereafter and from time to time appointed by virtue hereof, together with the fellows of the said college, from time to time to be appointed by virtue hereof, shall be a body politic and corporate, in deed and name, and have succession for ever, by the name of "the trustees, governors and fellows, of the Queen's college;" and by that name shall sue and be sued, implead and be impleaded, in all courts and places within the province of Nova Scotia, and they, or the major part of them, shall have power to have and use a common seal, to be appointed by themselves, and to make bye-laws and ordinances for the regulation and general management of the said college, and to assemble together, when and where and as often and upon such notice, as to them shall seem meet, for the execution of the trust hereby reposed in them; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said college, and the purposes of this act, as well goods and chattels, as lands, tenements and hereditaments, so as such lands, tenements and hereditaments, shall not exceed in value ten thousand pounds, any law or statute to the contrary thereof, notwithstanding.

5. The said college shall consist of two or more professors and fellows, and twelve or more scholars, at such salaries, and subject to such provisions, regulations, limitations, rules, qualifications and restrictions, as shall hereafter be appointed, by the statutes, rules and ordinances of the said college, or by this act, and who shall be eligible

The executive committee for the time being shall always be trustees and governors.

The trustees and governors to be a body politic.

Name.

A common seal.

Bye-laws.

May hold goods and chattels as well as lands &c.

The lands &c., not to exceed ten thousand pounds.

Two or more professors and fellows and ten or more scholars.

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To be deemed an university.

May confer degrees.

Proviso.

Trustees and governors to make statutes, &c.

Professors, &c. to be appointed.

President to be nominated.

President &c. how to be removed.

Governor may enquire into proceedings of the trustees and may on due proof remove officers offending against this act.

and removable in manner as hereinafter mentioned; and that the said college shall be deemed and taken to be an university, with all and every the usual privileges of such institution, and that the students in the said college shall have liberty and faculty of taking the degrees of bachelor, master and doctor, in the several arts and faculties, at the appointed times, and shall have liberty, within themselves, of performing all scholastic exercises, for the conferring of such degrees, in such manner as shall be directed by the statutes, rules and ordinances of the said college: provided always that the temporary vacancy of any of the said office or offices of professor, fellow or scholar, shall not involve a forfeiture of all or any of the rights or privileges granted by this act.

6. The trustees and governors of the said college, so appointed and incorporated by this act, at any general meeting assembled, or the major part of them so assembled, shall, from time to time, and as they shall think fit, make and establish such statutes, rules and ordinances, for the instruction, care and government of the students, and for the care and preservation of the books, furniture and other property, belonging to the said college, as shall seem meet, and shall and may, in like manner, nominate and appoint the professors and scholars of the said college, and shall or may also appoint such tutors, officers and servants, from time to time, as the said trustees and governors, or the major part of them assembled as aforesaid, may think necessary, and assign to them respectively, out of the monies contributed or to be contributed to the support of the said college, or other the funds thereof, such salaries and allowances as they shall think fit, and that it shall and may be lawful for the said trustees and governors, or the major part of them, in like manner, to nominate a president of the said college, whenever they shall think fit so to do, who, when so nominated, shall, together with the professors, fellows and scholars as aforesaid, constitute the body of the said college, with the privileges aforesaid, and that the said trustees and governors, or the major part of them, shall and may in like manner suspend and remove the president, professors, tutors, scholars, officers and servants, or any or either of them, for misbehaviour or neglect of duty.

7. So long as any sum of money shall be paid out of the provincial treasury towards the support and maintenance of the said college and academy, the governor, lieutenant-governor or commander in chief, of the said province of Nova-Scotia for the time being, may, from time to time, and at his pleasure, enquire into the proceedings of the said trustees and governors, and of the committee of the said education society, and shall have power, if he see occasion, to call the said trustees and governors and the said committee, before himself and her majesty's council of the said province; and if, after just enquiry and due proof had, they shall find that any of the said trustees and governors, or of the said committee, have conducted the proceedings of the said college, or the said education society, in a manner inconsistent with this act, or

the professed objects of the said college or society, then, in that case, that the governor, lieutenant-governor or commander in chief, with the advice of her majesty's council, may remove the officers or members so found offending, and may, on that occasion, appoint in their place an equal number of new members.

8. No religious tests or subscriptions shall be required of the professors, fellows, scholars, graduates, students or officers of the said college; but that all the privileges and advantages thereof, shall be open and free to all and every person and persons whomsoever, without regard to religious persuasion; and that it shall and may be lawful for the trustees and governors of the said college, to select as professors and other teachers or officers, competent persons of any religious persuasion whatsoever, provided such person or persons, shall be of moral and religious character.

No religious test, &c. shall be required.

9. *Repealed by 14 Vic., chap. 37, s. 5.*

10. This act shall not come into operation, or be of any force or effect, until her majesty's assent shall be signified thereto.

Suspending clause.
Her majesty's assent given.

AN ACT TO AMEND AN ACT FOR INCORPORATING THE TRUSTEES OF THE QUEEN'S COLLEGE AT HORTON. 4 Vic., chap. 33.

Passed 29th March, 1841.

Whereas by an act, passed at the last session of the assembly, in the third year of her majesty's reign, entitled, an act for incorporating the trustees of the Queen's college, at Horton—the trustees and governors of a collegiate institution, established at Horton, by the Baptist Nova Scotia education society, under the name of the Queen's college, were incorporated under the name of the trustees, governors and fellows, of the Queen's college; and whereas the right honorable her majesty's principal secretary of state for the colonies has been pleased, on behalf of her majesty, to acquaint his excellency the lieutenant-governor of the province, by a despatch, of which a copy has been laid before the legislative council and assembly, that objections exist to the title of the Queen's college, by which the said collegiate institution is designated in the said act; but that, as the details of the said act were unexceptionable, it was retained to receive her majesty's confirmation, upon being amended in that respect.

Preamble.

And whereas the executive committee of the said society, being the trustees of the said collegiate institution, have petitioned the legislature that an act might accordingly be passed for amending the said act, by changing the name of the said institution, and that the said institution might be called therein Acadia college:

1. *Be it therefore enacted, &c.,* That the said collegiate institution shall be called and known by the name of Acadia college, and not

Name changed to Acadia college.

by the name of the Queen's college: and that the trustees, governors and fellows thereof, shall be called and known by the name of the trustees, governors, and fellows of Acadia college, and not by the name of the trustees, governors and fellows of the Queen's college; and the said collegiate institution shall be called and designated Acadia college, in all respects, and as fully as if it had been so called in the said act, and the trustees, governors and fellows thereof had been therein incorporated under the name of the trustees, governors and fellows of Acadia college, any thing in the said act contained, to the contrary in any wise notwithstanding.

14 Vic., chap. 37.

AN ACT TO ALTER THE GOVERNMENT OF ACADIA COLLEGE.

Passed 7th April, 1851.

Trustees and governors appointed by convention.

1. *Be it enacted, &c.*, That henceforth the trustees and governors of Acadia college at Horton, in this province, shall be appointed by the Baptist convention of Nova-Scotia, New Brunswick and Prince Edward Island, agreeably to the bye-laws, rules and regulations of the convention, the government of the college having been transferred to such convention by agreement between the Baptist education society, and those interested in the support and management of the college and the convention.

Names of trustees.

2. The following persons, with the president of the college as an ex-officio member of the board, who in virtue of such transfer of authority were provisionally appointed governors of Acadia college by the convention, at its annual meeting on the twenty-fourth day of September last, at Portland, in New-Brunswick, shall be the trustees and governors of the college for the period of their appointment, in place of the trustees and governors under the existing law, that is to say: the reverend Ingraham E. Bill, the honorable James W. Johnston, the reverend William Burton, the honorable W. B. Kinnear, the reverend Samuel Robinson, Simon Birch, M. D., the reverend Charles Spurden, John W. Barsse, the reverend Edward D. Very, Stewart Freeman, the reverend Abraham S. Hunt, the reverend Isaac L. Chipman, Caleb R. Bill, William Stone, James W. Nutting, James R. Fitch, Nathan S. Demill, and Alexander McL. Seely.

Title and designation of trustees and governors.

3. The trustees and governors last mentioned, and all other trustees and governors to be hereafter appointed by the convention, shall have the same title and designation, and have all the same powers as they would have borne and had if this act had not been passed and their appointment had been made under and in conformity with the act passed in the third year of her majesty's reign, entitled, "an act for incorporating the trustees of the Queen's col-

lege at Horton," and the act by which the title of the college was changed to "Acadia college."

4. Nothing herein shall give to the trustees and governors appointed or to be appointed by the convention, any title to the real estate or buildings whereon the college is situated and conducted, but the Baptist education society shall continue to retain their title to such real estate and buildings, until the debts and securities for which the executive committee, or any former member thereof, may be liable, shall be discharged, or the parties relieved therefrom, on which event arrangements shall be made for settling the title in a manner suited to promote the interest of both the academy established there under the Baptist education society, and the college, on just principles.

Baptist education society to hold college lands, &c.

5. *Repeals 9 sec. of Vic. chap. 2.*

AN ACT FOR INCORPORATING THE TRUSTEES OF THE SAINT MARY'S COLLEGE AT HALIFAX.

Passed 25th March, 1841.

Whereas a number of persons, professing the Roman Catholic religion, associated themselves in this province, under the name of the society to support the seminary of Saint Mary's, and have raised, from time to time, large sums of money, by private contribution, which they have expended in the erection of valuable and expensive buildings, and the establishment and support of a seminary, without being aided by any legislative grant of money for that purpose.

Preamble.

And whereas, they have found it necessary and proper, for carrying into full effect their aforesaid useful objects, to establish a collegiate institution, under the name of Saint Mary's college, to be supported out of the funds, contributions and collections of the said society—which college, being now in operation with a large number of students, they have petitioned the legislature for an act to incorporate the trustees, and extend to it collegiate privileges and pecuniary aid.

And whereas, the said society is supported by a large portion of the inhabitants of this province, and has, by great exertions and perseverance, and by very large pecuniary contributions, as aforesaid, and the establishment of the said institutions, greatly advanced the interest of education in this province, and is therefore deserving of encouragement; and as the said collegiate institution is likely to be a public benefit, by affording the means of education, in the higher branches of classical and scientific literature, to the youth of the country, on moral and religious principles, in a manner suited to their means and habits, whereby the danger of their lea-

ving this province, and probably being induced to settle in foreign countries, will be avoided :

Names of present trustees of seminary and three others named by the governor, council and assembly respectively to be trustees & governors of St. Mary's college.

On vacancies occurring how to be supplied.

The trustees and fellows of the college to be a body politic.

Name.

May sue and be sued.

May have a common seal.

May make bye-laws, &c.

May hold goods and tenements as well as lands and tenements, so as the lands do not exceed £10,000.

The college may consist of six or more professors and fellows, and six or more scholars.

1. *Be it therefore enacted, &c.,* That the right reverend Doctor Fraser, the reverend Richard O'Brien, the honorable Michael Tobin, the honorable Michael Tobin, junior, Edward Kenny, Peter Furlong and Lawrence O'Connor Doyle, esquires, now being the Trustees of the said seminary, together with three other persons, that is to say—one named by his excellency the lieutenant governor, one to be named by her majesty's legislative council, and one to be named by the house of assembly, shall be trustees and governors of the said Saint Mary's college.

2. On vacancies occurring in the case of the persons named by his excellency the lieutenant-governor, the same vacancies may be supplied by the governor, lieutenant-governor, or other officer administering the government, for the time being; and on vacancies occurring in the case of persons appointed by her majesty's legislative council, such vacancies may, from time to time, be supplied by the said council; and on vacancies occurring in the case of persons appointed by the house of assembly, such vacancies may, from time to time, be supplied by the said house of assembly; and on vacancies occurring in the case of any of the trustees, whose names have been hereinbefore mentioned, the same vacancies may be supplied by the surviving or remaining trustees.

3. For the better management and regulation of the said college, and the more full and complete executing the purposes of this act, the said trustees, hereby appointed, and hereafter and from time to time, to be appointed, by virtue hereof, together with the fellows of the said college, to be from time to time appointed by virtue hereof, shall be a body politic and corporate, in deed and name, and shall have perpetual succession, by the name of Saint Mary's college, and by that name shall sue and be sued, implead and be impleaded, in all courts and places in the province of Nova Scotia; and they, or the major part of them, shall have power to have and use a common seal, to be appointed by themselves; and to make bye-laws and ordinances, for the regulation and general management of the said college; and to assemble together, when and where, and as often, and upon such notice, as to them shall seem meet, for the execution of the trust hereby reposed in them; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of such college, and the purposes of this act, as well goods and chattels, as lands, tenements and hereditaments, so as such lands, tenements and hereditaments shall not exceed in value ten thousand pounds, any law or statute to the contrary notwithstanding.

4. The said college may consist of six or more professors and fellows, and six or more scholars, at such salaries, and subject to such provisions, regulations, limitations and qualifications, rules and restrictions, as shall hereafter be appointed by the statutes, rules and ordinances of the said college, and the said college shall be

deemed and taken to be an university, with all and every the usual privileges of such an institution, and that the students, in the said college, shall have the liberty and privilege of taking the degrees of bachelor, master and doctor, in the several arts and faculties, at the appointed times, and shall have power, within themselves, of performing all scholastic exercises necessary for the conferring of such degrees, as shall be directed by the statutes, rules and ordinances of the said college; provided always, that the temporary vacancy of any of the said offices of professor, fellow or scholar, shall not involve a forfeiture of all or any of the rights or privileges granted by this act.

The college to be deemed an university, with the usual privileges.

The students may take degrees in the arts and faculties.

Proviso.

5. So long as any sum of money shall be paid out of the provincial treasury, towards the support and maintenance of the said college, the governor, lieutenant-governor or officer administering the government, for the time being, of the said province of Nova Scotia, may, from time to time, enquire into the proceedings of the said trustees and governors, before himself and her majesty's executive council of the said province; and if, after just enquiry and due proof, they shall find that any of the said trustees and governors have conducted the proceedings of the said college in a manner inconsistent with this act or the professed objects of the said college, then, and in that case, the governor, lieutenant-governor or officer administering the government for the time being, with the advice of her majesty's executive council of this province, may remove any of the trustees and governors so found offending.

While money is paid out of the treasury, the governor may enquire into proceedings of trustees.

Governor, with the executive council, may remove trustees if found offending against this act.

6. No religious test or subscription shall be required of any scholar, graduate, or student, or the trustees of the said college, but that all the privileges and advantages thereof shall be open and free to all and every person and persons whomsoever, without regard to religious persuasion or denomination.

No religious test to be required.

7. This act shall continue and be in force for eleven years, and from thence to the end of the then next session of the general assembly.

The act to continue eleven years.

8. This act shall not go into operation, or be of any force and effect, until her majesty's pleasure shall be made known thereon.

Suspending clause. Her majesty's assent given.

AN ACT FOR FOUNDING, ESTABLISHING AND MAINTAINING AN ACADEMY AT PICTOU, IN THIS PROVINCE.

54 Geo. 3, Chap. 29.

Whereas Edward Mortimer, Duncan Ross, Thomas M'Culloch, John Patterson, Thomas Davison, George Smith, John M'Lean, Junior, Alexander Grant, Robert Lowden and James M'Grigor and others, have agreed to pay and contribute divers sums of money for the purpose of founding, establishing and maintaining an academy in the district of Pictou.

Preamble.

And whereas the said Edward Mortimer, Duncan Ross, Thomas M'Culloch, John Patterson, Thomas Davison, George Smith, John M'Lean, junior, Alexander Grant, Robert Lowden and James M'Grigor, and the other persons who have agreed to pay and contribute divers sums of money for the purpose aforesaid, are presbyterians, and a great majority of the inhabitants of the district of Pictou, are either emigrants from Scotland, or are the descendants of emigrants from Scotland, where the presbyterian religion prevails; and the said inhabitants of the district of Pictou, or a great majority of them, do now profess the presbyterian religion, and are desirous of educating their children therein.

Incorporation of
the trustees of the
Pictou academy.

1. *Be it therefore enacted, &c.,* That it shall and may be lawful for the governor, lieutenant-governor or commander in chief, for the time being, by letters patent under the great seal of this province, to incorporate Edward Mortimer, Duncan Ross, Thomas M'Culloch, Thomas Davison, George Smith, Robert Lowden, William Patrick and James M'Grigor of Pictou, aforesaid, and also, Archibald Gray and James Robson, ministers of the presbyterian congregations at Halifax, and Samuel George William Archibald of Truro, in the district of Colchester, and James Foreman, of Halifax, in this province, to be one body, politic and corporate, in deed and in name, and have succession for ever in manner as shall be hereinafter mentioned and provided for, by the name of the trustees of the Pictou academy, and that by the same name they shall have perpetual succession and a common seal, to be appointed by themselves, and also to sue and be sued, implead and be impleaded, in all courts and places within the province of Nova-Scotia, and they, or the major part of them, shall have power from time to time, to choose from among themselves their president, vice-president and other officers, as by said letters patent shall be directed, and to make bye laws and ordinances for the regulation and general management of the said academy, and to assemble together within the said district of Pictou, when and where and as often, and upon such notice as to them shall seem meet, for the execution of their trust, and shall also have full power and capacity to purchase, receive, take, hold and enjoy for the use and benefit of the said academy, as well legacies, goods and chattels, as lands, tenements and hereditaments, notwithstanding any statute or statutes of mortmain. Provided always, that the lands and tenements to be purchased, received, taken, held and enjoyed as aforesaid, are situated within the said district of Pictou, and do not exceed the yearly value of two thousand pounds sterling.

Bye-laws.

Sections 2, 3, 4, 5 and 6 repealed by 2 Wm. 4, chap. 5.

7. The trustees of the said academy shall transmit a copy of all bye-laws which shall or may be enacted by them, or the major part of them, to the governor or commander in chief, within one month after the making or enacting the same; and if the governor or commander in chief shall express his dissent to the said bye-laws at any time within twelve months after the same shall have

been transmitted to him, then the said bye-law shall be deemed and considered as totally abrogated and repealed.

8. *Repealed by 2 Wm. 4, chap. 5.*

9. Nothing herein contained shall be of any force or effect until his majesty's pleasure is known herein, nor unless the said academy shall be opened and established for the education of youth within ten years after his majesty shall have approved thereof.

His majesty's assent necessary to this act; time allowed for establishment of the academy.—which assent was given, and the academy opened in conformity with this clause.

AN ACT TO REGULATE AND SUPPORT THE PICTOU ACADEMY.

2 Wm. 4, chap. 5.

Passed 30th March, 1832.

Whereas by the act passed in the fifty-sixth year of the reign of his late majesty king George the third, entitled, an act for founding, establishing and maintaining an academy at Pictou, in this province, and also by the act passed in the fifty-ninth year of the reign of his said late majesty, for repealing and altering part of the said act first mentioned, certain religious tests, declarations and subscriptions are required of persons chosen to be trustees, masters or teachers in the said academy, and which tests, declarations and subscriptions have been found prejudicial to the said academy, and of an injurious tendency in preserving religious distinctions in this province; and whereas it has been deemed expedient to extend the benefit of education in the said academy to persons of all denominations of christians, without distinction of sect, and to render the said academy more extensively useful for the instruction of youth, and to provide for the appointment of persons of the several different religious persuasions to be trustees of the said academy, and to make a more effectual provision for the support thereof:

Preamble.

1. *Be it therefore enacted, &c.*, That the second, third, fourth, fifth, sixth and eighth sections or clauses of the said act of the fifty-sixth year of his said late majesty's reign, entitled, an act for founding, establishing and maintaining an academy, at Pictou, in this province, and also the whole of the said act of the fifty-ninth year of his said late majesty's reign, passed to repeal and alter part of the said act, shall be, and the same are hereby wholly repealed, and in future no religious test, declaration or subscription, whatsoever, shall be required to be taken or made by any trustee or teacher, in the said academy, as a qualification for office.

Act 56, Geo. 3, c. 29, sec. 2, 3, 4, 5, 6 and 8, and 59, Geo. 3, c. 16, repealed.

2. It shall be lawful for the trustees of the said academy, to hold lands and hereditaments for the use and benefit thereof, in any part of this province, not exceeding the yearly value of two thousand pounds at any one time, and the said trustees shall and may sell, mortgage and dispose of the said lands, when, and as it shall be deemed beneficial for the said corporation.

Trustees may hold, sell, mortgage or dispose of lands, &c.

The remaining sections of this act were repealed by 8 Vic., chap. 34, s. 1.

8 Vic., chap. 34. AN ACT TO AMEND AND ALTER THE ACT TO REGULATE AND SUPPORT THE PICTOU ACADEMY.

Passed 14th April, 1846.

Preamble.

Whereas, at a public meeting lately held in the county of Pictou, it was determined as expedient to introduce such alterations in the trust and future management of said institution, as to unite the two leading parties existing in that county, in the support thereof, and to found a general and improved system of education therein, for the benefit of the eastern section of the province generally, as well as of said county. And whereas, the trustees, under and by virtue of the existing charter, in order to carry out the resolutions of said meeting, and to secure unanimity of feeling in support of such institution, have voluntarily consented to relinquish their rights, and to resign the trust held by them under said existing charter :

Part of act 21,
Wm. 4th, repealed.

1. *Be it therefore enacted, &c.*, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth clauses or sections of the act, passed in the second year of the reign of his late majesty king William the fourth, entitled, an act to regulate and support the Pictou Academy, shall be, and the same are hereby wholly repealed and declared null and void, to all intents and purposes whatsoever.

Resignation of
trustees.

2. The said trustees having resigned their trust, as aforesaid, such resignation is hereby declared to be valid and binding, and that said former trustees shall not hereafter be entitled to vote or interfere in the management of said academy, and are hereby declared to be and shall absolutely be divested of all estate and interest in the lands, funds and property of and belonging to said academy.

Trustees appointed.

3. In the name and stead of said former trustees, Alexander Fraser, esquire, Middle River, Henry Blackader, esquire, Alexander Fraser, merchant, New Glasgow, James Crichton, esquire, James D. B. Fraser, esquire, Peter Crerar, esquire, Alexander Peter Ross, esquire, Adam Gordon, Doctor William James Anderson, James Fraser, esquire, New Glasgow, Thomas Gibson Taylor and Hugh Johnston Ross, esquire, West River, all of the said county of Pictou, shall be and become trustees of and for the said academy, with all the power, authority, privileges and liabilities of the trustees of the said institution, in the same manner and to the same extent in all respects as if they had been originally named and incorporated in and by the act and charter, passed, made and granted, for founding, establishing and maintaining the said academy.

To elect a chairman.

4. It shall and may be lawful for the said trustees, within the period of one month after the passing of this act, to meet together and appoint one of their own number to be chairman, and that all questions shall be decided at such or any future meetings of said trustees by at least two-thirds of the trustees present, including the chairman—nine to be a quorum.

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5. The higher branches of learning and education, to which instruction in the said academy has hitherto been confined shall continue to be taught as has hitherto been practised.

Course of educa-
tion.

6. In addition to the above mentioned branches, instruction shall also be given in the languages, and in all the elementary branches of learning usually taught in grammar schools, including in the course of education therein the modern languages, and the practical application of the mathematics, or such other branches as may be determined on by the trustees, and that a teacher or teachers be appointed to give such instructions as soon as the said trustees can find a suitable person or persons to fill such situation.

Course of educa-
tion.

7. If the said trustees shall find it inconvenient to appropriate any part of the building now called the Pictou academy, for the purpose of affording instruction in the lower branches, that it shall and may be lawful for them to provide any house or building in the town of Pictou, suitable for such purpose, or to make such addition to the present building as will afford sufficient accommodation for the scholars, as to the said trustees shall seem most expedient and advisable.

Building for aca-
demy.

And whereas it is intended that the said academy shall not be confined to persons called presbyterians :

Preamble.

8. No theological lectures shall be delivered in said academy, and that no master or teacher employed and paid by such trustees shall be engaged in the teaching, publicly or privately, of any theological class.

No theological
class.

9. It shall be lawful for the lieutenant-governor, or commander in chief for the time being, by and with the advice of her majesty's executive council, when and as often as it shall be deemed expedient or proper, to nominate and appoint a visitor or visitors for the said academy, who shall be a person or persons not resident in the said county, and wholly unconnected with the said corporation, and who shall inspect the existing state of the said institution in regard to its bye-laws, funds, teachers, students and proceedings of the trustees, and report thereupon for the information of the several branches of the legislature.

Appointment of
visitors.

10. The death, resignation, removal from office, or continued absence of more than one year from the province, of any trustee of the academy, shall occasion a vacancy in the board of trustees thereof.

Vacancies.

11. To supply any vacancy or vacancies occasioned as aforesaid, the choice of any future trustee or trustees of the said academy shall be made by the votes of two-thirds at least of the quorum hereinbefore named, and shall be certified to the governor, lieutenant-governor, or commander in chief for the time being, and if he shall disapprove of such choice within three months after the same is certified to him, then the said trustees shall proceed to choose another trustee instead of the party disallowed, and shall certify such second choice in manner as aforesaid ; and if the person so elected as trustee shall also be disallowed within three

Vacancies in trust-
ees, how to be
supplied.

months after the election is certified as aforesaid, then the vacancy in the trust shall be filled up, and a trustee appointed by the lieutenant-governor or commander in chief for the time being, by and with the advice of the executive council; and in case the said trustees shall not elect any person to fill such vacancy in manner aforesaid within six months after such vacancy shall have occurred, then the said vacancy shall also be filled up by the governor, lieutenant-governor or commander in chief for the time being, by and with the advice of the executive council.

12. *Expired.*

Act to be in force
four years.

13. This act shall continue and be in force for four years, and from thence to the end of the then next session of the general assembly.

13 Vic., chap. 36.

AN ACT RELATING TO THE PICTOU ACADEMY.

Passed 28th March, 1860.

Clauses in act 8th
Vic., continued.

1. *Be it enacted, &c.*—The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh clauses of the act passed in the eighth year of her majesty's reign, entitled, "an act to amend and alter the act to regulate and support the Pictou academy," are hereby continued until the first day of May, which will be in the year of our Lord one thousand eight hundred and fifty-two, and no longer.

20, Geo. 3, chap. 3.

AN ACT FOR THE ESTABLISHING A PUBLIC SCHOOL IN THE TOWN OF HALIFAX.

Preamble.

Whereas every public attention to the education of youth is of the utmost importance in society, and whereas it is impracticable to procure a person sufficiently qualified for that purpose, without making a handsome and liberal provision for his easy support and maintenance :

Allowance for
erecting a building in Halifax for
a school.

1. *Be it enacted, &c.*, That a sum not exceeding fifteen hundred pounds be granted for the purpose of erecting a proper and convenient building in the town of Halifax, for keeping a public school, which sum shall be raised in manner hereafter to be directed by the general assembly.

Sum allowed to
the master, and
for assistance.

2. That a sum not exceeding one hundred pounds be annually granted in the estimate for the expenses of government for the

support of a schoolmaster; and when the number of scholars shall exceed forty, that a further allowance of fifty pounds yearly be included in the said estimate for the assistance of the said master in the support of an usher, which the said master shall in that case provide.

3. There shall be annually appointed by the governor, lieutenant governor or commander-in-chief of the province, five reputable persons as trustees and directors of the said school, one of which to be president, who are hereby empowered to make bye-laws and regulations for the said school, and who shall be incorporated for that purpose, to be enabled to sue and be sued, to hold grants of lands, and to receive donations for the endowment thereof.

Appointment of trustees, and their duty.

4. The said trustees and directors shall be from time to time accountable to the legislature of the province for their conduct, and management of the property so to be vested in them.

Said trustees to be accountable to the legislature.

5. The said president and directors shall hold a public visitation and examination at said school twice every year, to wit, on the first Monday of May and the first Monday of October annually.

Examination.

AN ACT FOR INCORPORATING THE NOVA-SCOTIA BAPTIST EDUCATION SOCIETY.

2 Vic., chap. 20.

Passed 30th March, 1839.

Whereas a number of persons associated themselves in this province, in the year one thousand eight hundred and twenty-eight, under the name of the Nova-Scotia Baptist education society, for the promotion of education, and have raised from time to time, by private contributions, large sums of money, exceeding four thousand pounds, which they have expended in the purchase of a farm and tract of land, at Horton, in King's county, and the erection of valuable and expensive buildings thereon, and the establishment and support of an academy. And whereas the said society has been aided by legislative grants of money, and they are desirous of obtaining further assistance from the legislature, by the passing of an act of incorporation, for enabling them to hold their property and manage their affairs with greater ease and convenience. And whereas the said society is supported by a large portion of the inhabitants of this province, and has, by great exertions and perseverance, and by very large pecuniary contributions and collections as aforesaid, and the establishment of the said academy, greatly advanced the interests of education in this province, and is deserving of encouragement; wherefore and because the incorporation of the said society may be beneficial in manner as aforesaid, it is proper to grant the said request:

Preamble.

IN THE

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support and

fifteen hun-
proper and
g a public
to be direc-

be annually
ent for the

Names of persons
incorporated.

1. *Be it therefore enacted, &c.,* That Edward Marning, Charles Tupper, James Walton Nutting, William Allen Chipman, Zachariah Chipman, John Cunningham, Joseph Dimock, Theodore Harding, Major Chipman, Holmes Chipman, James Lent, William B. Kinnear, Thomas Pattingall, James R. Lovett, David Lynds, Edmund Albera Crawley, John Pryor, Simon Fitch, William Johnson, John Ferguson, William Chipman, Charles Twining, Samuel Bishop, James William Johnston, George Dimock, Richard McLearn, Joseph Crandall, James D. Harris, Ingram E. Bill, Samuel Bancroft, Harris Harding, Ebenezer F. Harding, Ezekiel Marsters, Frederick W. Miles and Israel Potter, and all and every such other person and persons, as now are members or office-bearers of, or in the said society or association, called the Nova Scotia Baptist education society, and all and every such other person and persons, as hereafter shall or may become members or office-bearers of or in the said society or association, and their successors, shall be and are hereby appointed, a body, politic and corporate, in deed and name, by the name of "the Nova Scotia Baptist education society," and by that name shall have succession forever, and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, at law and in equity, and in all courts and places, and be able and capable in law, to have, hold, purchase, get, receive, take, possess and enjoy, lands, houses, tenements, hereditaments and rents, in fee simple, or otherwise, and also, goods and chattels, and all other things, real, personal and mixed, and also, to give, grant, sell, let, assign or convey, the same or any part thereof, and to do and execute all other things, in and about the same, as shall or may be thought necessary or proper; and also, shall have from time to time and at all times, full power and authority, and license, to constitute, make and establish, such bye-laws, rules and ordinances, as may be thought necessary for the rule and good government of the said society, the establishing of the officers proper for the management of its affairs, and declaring the extent, duration and authority of the offices and officers of the said society, and their mode of appointment, and generally for promoting the object of the society. Provided such bye-laws, rules and ordinances, be not contradictory or repugnant to the laws or statutes of this province, or of those in force within the same, or to the provisions hereof; and provided also, that the said society shall not hold, at any time, lands, tenements, houses, hereditaments and rents, goods, chattels, property or effects, of greater value than six thousand pounds.

Name of corpora-
tion.

Not to hold lands,
&c., goods, &c. of
greater value than
£6000.

The land, &c., at
Horton to be ves-
ted in the society.

2. The said land, farm and premises, at Horton, with the buildings aforesaid thereon, shall be, and hereby are declared to be, vested in the said incorporated society, in fee simple, subject nevertheless to such debts as have been incurred by the managing committee of the said society, and still remain due in and about the purchase of the said land, the erection of the said buildings, or other the business of the said society.

3. All persons paying an annual subscription of twenty shillings or upwards, or making at one time a donation of ten pounds or upwards to the society, shall be entitled to be members of the said society; provided that such annual subscription or donation, be actually paid into the funds of the society, and provided that no person now a member of the said society, or who hereafter may become a member of the same, shall, at any time hereafter, continue a member of the same, unless he shall have heretofore paid, or shall hereafter pay, at one time, into the funds of the said society, a donation of at least ten pounds, or shall hereafter annually, and from year to year, pay into the said funds the sum of twenty shillings or upwards: and if the annual subscription or payment of any such annual member shall not be paid on the first day of May in each year, after the present year, such annual member shall thereupon cease to be a member of the said society, until such annual subscription or payment shall be actually paid, or until such person shall otherwise become a member of the said society, under some bye-law or rule thereof.

4. The said society shall continue to be governed and its affairs managed, by a president, two vice-presidents, two secretaries and a treasurer, a board of directors and a managing committee, to be henceforth called the executive committee, and such other officers as the said society may from time to time think proper; provided, that nothing herein contained shall make it necessary after the passing of this act, or in consequence thereof, to re-appoint any of the persons now filling the said offices, or any of them.

5. Edward Manning, now the president of the said society, shall, after the passing of this act, be the president of the said society; and Charles Tupper and James Walton Nutting, now the vice presidents of the said society, shall after the passing of this act, be the vice presidents of the said society; and William Chipman, now one of the secretaries of the said society, shall, after the passing of this act, be a secretary of the said society; and William Allen Chipman, John Cunningham, Edward Manning, Charles Tupper, Joseph Dinock, Theodore Harding, Major Chipman, Holmes Chipman, James Lent, William B. Kinnear, Thomas Pettingall, Zachariah Chipman, James R. Lovett, David Lynde, Edmund Alber Crawley, John Pryor, Simon Fitch, John Ferguson, William Chipman, Charles Twining, James Walton Nutting, Samuel Bishop, James William Johnston, George Dimock, Richard McLearn, Joseph Crandall, James D. Harris, William Johnston, Ingram E. Bill, Samuel Bancroft, Harris Harding, Ebenezer F. Harding, Ezekiel Marsters, Frederick W. Miles and Israel Potter, now the directors of the said society, shall, after the passing of this act, be the directors of the said society; and James William Johnston, James Walton Nutting, William Chipman, Simon Fitch, William Johnston, Edmund Alber Crawley, John Pryor, Richard McLearn, Ingram E. Bill and Charles Tupper, now the managing

A subscription of 20s. and a donation of £10 entitles one to be a member.

A president, two vice-presidents, two secretaries and a treasurer—a board of directors and a managing committee.

Edward Manning to be president.

Charles Tupper and James Walton Nutting, vice-presidents.

William Chipman a secretary.

William Allen Chipman, and others, to be executive committee.

committee of the said society, shall, after the passing of this act, be the executive committee of the said incorporated society.

Persons, without regard to religious denomination may hold any office in the corporation.

6. All persons, without regard to religious denomination or difference of religious sentiments, may be, and at any time hereafter become, a member of the said incorporated society, being in all other respects entitled to be, and become, a member of the said society, and now, and at any time hereafter, may hold any of the said offices and appointments, or any other offices or appointments, in the said incorporated society, being duly elected and appointed thereto, any thing contained herein, or in any rules, regulations or bye-laws of the said society, to the contrary in any wise notwithstanding.

Corporation shall have power to appoint the president, vice president and directors at a general meeting.

7. The said society, incorporated as aforesaid, shall have power, from time to time hereafter, to appoint the president, vice-presidents and directors, at some general meeting of the said society, by a majority of the members present thereat, and all appointments of president, vice presidents and directors, to be hereafter made, shall be made at some general meeting, by a majority of the members of the society present, according to such regulations concerning such appointments as may hereinafter be enacted, or as may hereafter by any bye-law of the said society to be made by virtue hereof, be appointed.

The directors to appoint members of the executive committee.

8. The directors of the said incorporated society shall form a board of directors, and shall have power at some meeting of the said board, from time to time to be held, by a majority of the directors present at any such meeting, to appoint members of the executive committee, and all appointments of members of the said executive committee, to be hereafter made, shall be made at some meeting of the said board, by a majority of the directors present thereat, according to such regulations concerning the meetings of the said board, and the appointments of members of the executive committee to be made thereat, as may hereinafter be enacted, or as may hereafter be appointed and made by any bye-law or bye-laws of the said society, to be made by virtue thereof.

Treasurer and secretaries.

9. The treasurer and secretaries of the said society, and such other officers as may hereafter be required for the management of its affairs, shall be appointed in such manner as shall be declared by the bye-laws and rules of the said society, to be passed by virtue of this act.

Duty of directors.

10. It shall be the duty of the board of directors, from time to time, as occasion may require, to consult on the affairs of the society, to examine and ascertain the state of the said academy, and of the lands and buildings of the society and the management thereof, examine and review the proceedings and rules of the said committee, and generally to oversee the affairs of the society and exercise supervision thereof, and when, and so often as occasion may require, to make report on any of the said matters, or any other affecting the interest of the society to the annual meeting of the society.

11. It shall be the duty of the executive committee to appoint all teachers and instructors required at the academy, or in the employment of the society, to appoint the steward and all officers and servants required on behalf of the society, for the management of the said academy, to make suitable disposition of the said farm and other property of the society, superintend the buildings thereon and keep them in repair, to collect, receive and expend the funds of the society, and generally to manage and conduct all the business and concerns of the society, in such manner as may be needful and proper, or as may be directed by the bye-laws of the society; provided, that the said executive committee shall be always subject to the supervision of the board of directors herein provided, and shall be bound, and are hereby required, annually, to account to the society for all their acts, receipts, expenditures and doings whatsoever, in their said office.

Duty of the executive committee.

12. A report shall annually be made to the society of the proceedings of the board of directors and executive committee, and of the progress and state of the said academy, and of the receipts and expenditures, and state of the funds and accounts of the society, and of its affairs generally.

Annual report to be made by directors and executive committee.

13. A general meeting of the said society shall be held once in every year, and as much oftener as may be directed by any rule or bye-law of the said society, and the executive committee aforesaid or a majority of them, shall have power to call a general meeting of the said society at any time, and as often as they may see just occasion, at such places, times, and in such manner as shall and may be regulated by the rules and bye-laws of the said society.

General meeting.

14. The board of directors, and executive committee of the said society, shall meet and assemble as often as there may be occasion, or as may be required and appointed by the rules and bye-laws of the said society.

Meeting of directors and executive committee.

15. The appointments named in this act shall not by reason of anything herein contained be deemed permanent, but shall be subject as to their duration, and in all other respects to any resolutions of the society at any general meeting, and to the bye-laws and rules which may from time to time be passed by virtue of this act, in the same manner as any other or future appointment to the same, or any other officers of the said society, are, or may be subject, any thing herein contained, to the contrary, notwithstanding.

Appointments not permanent.

AN ACT TO INCORPORATE THE ROYAL ACADIAN SCHOOL SOCIETY. 3 Vic., chap. 28.

Passed 27th March, 1840.

Whereas a number of persons associated themselves in the town of Halifax, in the year one thousand eight hundred and thirteen;

Preamble.

for the establishment of a school for the education of poor children, and have raised from time to time by private contributions, large sums of money, which have been expended towards the erection of valuable and expensive buildings, on a lot of land in the town of Halifax, granted for that purpose, and also for the establishment and support of the said school, called the royal Acadian school: and whereas, our late gracious sovereign George the third, did, by grant under the great seal of this province, bearing date on or about the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, give and grant unto the honorable Sampson Salter Blowers, esquire, the chief justice of the province of Nova Scotia, two lots of land, situate, lying and being in the town of Halifax, being the lot number five, in Collier's division, letter II, and the lot number five, in Foreman's division, block letter H, with the buildings thereon, then occupied for the purpose of a school for the education of poor children, which said lots of land are particularly described in the said grant, to and for the several purposes specified therein, that is to say—to hold in free and common soccage unto the said Sampson Salter Blowers, in his capacity as chief justice, as aforesaid, and to his successors in the said office of chief justice, for ever, in trust, for the sole use, benefit and behoof of a school, to be kept in the said town of Halifax, for the education of poor children, which school is to be called the Acadian school, and to be supported, kept and maintained, on said two lots of land for ever, by the voluntary subscriptions or donations of charitable and well disposed persons, and to be conducted and managed agreeably to such rules and regulations as shall be from time to time made and agreed on by a committee to be elected and chosen for that purpose, from time to time, by a majority of the subscribers or contributors for the support of the said school: provided always, that such rules and regulations should be previously approved of by the governor, lieutenant-governor or commander in chief of the said province, for the time being, by and with the advice of the council, and provided also, that no master or teacher should be employed in said school unless previously approved of by the governor, lieutenant-governor or commander in chief, with the advice of the said council, with power to each governor, lieutenant-governor or commander in chief, from time to time, with such advice, afterwards to discharge or dismiss from such school any master or teacher, as in and by the said grant, on reference thereto, may more fully appear: and whereas, in the event of the death of the said trustee, who is now a very aged man, difficulties will arise as to the legal estate of and in the lands and premises contained in the said grant: and whereas, the said society has been aided by legislative grants of money, and they are desirous of obtaining further assistance from the legislature, by the passing of an act of incorporation, for enabling them to hold their property, and manage their affairs with greater ease and convenience: and whereas, the said school is supported by a

large portion of the inhabitants of the town of Halifax, and a great number of the children of the poor and destitute are instructed therein gratuitously, and the said society, by whom the said school is upheld and supported, is deserving of encouragement: wherefore and because the incorporation of the said society may be beneficial, and may further the advancement of the said school:

1. *Be it therefore enacted, &c.* That the honorable Thomas Nicholson Jeffery, the honorable Henry H Ezekiah Cogswell, the honorable Enos Collins, the honorable Hibbert Newton Binney, the honorable James William Johnston, the honorable Sir Rupert Dennis George, the honorable Alexander Stewart, Robert Hume, Samuel G. W. Archibald, John Spry Morris, Charles Twining, John Slayter, George Norton Russell, James Walton Nutting, John Howe, Thomas Forrester, Hugh Bell, Mather Byles Almon, James Finlayson Gray, Joseph Howe, William Young, Alexander Keith, Henry Pryor, Robert Brown, James C. Hume, John McNeil and Adam Esson, esquires, and the reverend John Scott and the reverend John Martin, and all and every such other person or persons as now are members or office-bearers of or in the said society called the royal Acadian school society, and all and every such other person or persons as hereafter shall or may become members or office-bearers of or in the said society, and their successors, shall be and are hereby appointed a body, politic and corporate, in deed and name, by the name of "the royal Acadian school society," and by that name have succession forever, and a common seal, and by that name shall and may sue and be sued, implead and be impleaded, at law and in equity, and in all courts and places, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy land, houses, tenements, hereditaments and rents, in fee simple or otherwise, and also goods, chattels and all other things, real, personal and mixed, and also to give, grant, sell, let, assign or convey, the same or any part thereof, and to do and execute all other things in and about the same, as shall or may be thought necessary or proper, and also shall have, from time to time and at all times, full power and authority and license to constitute, make and establish, such bye-laws, rules and ordinances, as may be thought necessary for the rule and good government of the said society, the establishing of the officers proper for the management of its affairs, and declaring the extent, duration and authority of the officer and officers of the said society and their mode of appointment, and generally for promoting the object of the society; provided such bye-laws, rules and ordinances be not contradictory or repugnant to the laws or statutes of this province, or of those in force within the same, or to the provisions hereof; and provided also, that the said society shall not hold at any time lands, tenements, houses, hereditaments and rents, goods, chattels, property or effects, of greater value than six thousand pounds.

2. The said lands and premises at Halifax, with the buildings aforesaid thereon, shall be, and hereby are declared to be, vested in the said incorporated society in fee simple, subject, nevertheless, to

Incorporation of
royal Acadian
school society;
powers and privi-
leges.

Proviso.

Vested right of
society to lands
and premises in
Halifax.

such debts as have been incurred by the managing committee of the said society and still remain due, if any, in and about the purchase of the said land, the erection of the said buildings, or other the business of the said society.

Members of the society—sums to be paid by them.

Proviso.

3. All persons paying an annual subscription of twenty shillings or upwards, or making at one time a donation of ten pounds or upwards, to the society, shall be entitled to be members of the said society; provided that such annual subscription or donation be actually paid into the funds of the society, and provided that no person now a member of the said society, or who may hereafter become a member of the same, shall at any time hereafter continue a member of the same, unless he shall have heretofore paid, or shall hereafter pay, at one time, into the funds of the said society, a donation of at least ten pounds, or shall hereafter annually, and from year to year, pay into the said funds the sum of twenty shillings or upwards; and if the annual subscription or payment of any such annual member shall not be paid on the first day of June in each year after the present year, such annual member shall thereupon cease to be a member of the said society, until such annual subscription or payment shall be actually paid, or until such person shall otherwise become a member of the said society, under some bye-law or rule thereof.

Office-bearers.

Proviso.

4. The said society shall continue to be governed, and its affairs managed by a president, a vice-president, a secretary and a treasurer, and a managing committee, to be henceforth called the executive committee, and such other officers as the said society may from time to time think proper; provided that nothing herein contained shall make it necessary, after the passing of this act, or in consequence thereof, to re-appoint any of the persons now filling the said offices, or any of them.

Continuation of president, &c. now in office.

5. Sir Colin Campbell, now the president of the said society, shall after the passing of this act, be the president of the said society, and the honorable Thomas N. Jeffery, now the vice-president of the said society, shall, after the passing of this act, be the vice-president of the said society; and James C. Hume, now the secretary of the said society shall, after the passing of this act, be a secretary of the said society; and that the honorable Hibbert Newton Binney, now the treasurer of the said society, shall, after the passing of this act, be the treasurer of the said society; and that the honorable Henry Hezekiah Cogswell, the honorable Enos Collins, the honorable Hibbert Newton Binney, the honorable James William Johnston, the honorable Sir Rupert Dennis George, the honorable Alexander Stewart, Robert Hume, Samuel G. W. Archibald, John Spry Morris, Charles Twining, John Slayter, John Howe, George Norton Russell, James Walton Nutting, Adam Esson, Thomas Forrester, Hugh Bell, Mather Byles Almon, James Finlayson Gray, Joseph Howe, William Young, Alexander Keith, Henry Pryor, Robert Brown, James C. Hume and John McNeil, esquires, and the reverend John Scott, and the reverend John Martin, now the managing committee of the said society, shall,

after the passing of this act, be the executive committee of the said incorporated society.

6. All persons, without regard to religious denomination, or difference of religious sentiments, may be, and at any time hereafter, become a member of the said incorporated society, being in all other respects entitled to be and become a member of the said society, and, now and at any time hereafter, may hold any of the said offices and appointments, or any other offices or appointments, in the said incorporated society, being duly elected and appointed thereto, anything contained herein, or any rules, regulations or bye-laws of the said society, to the contrary in any wise, notwithstanding.

Eligibility for office.

7. The said society, incorporated as aforesaid, shall have power from time to time hereafter to appoint the president, vice-president and executive committee, at some general meeting of the said society, by a majority of the members present thereat; and all appointments of president, vice-president and executive committee to be hereafter made, shall be made at some general meeting by a majority of the members of the society present, according to such regulations concerning such appointments as may hereinafter be enacted, or as may hereafter by any bye-law of the said society, to be made by virtue hereof, be appointed.

Society hereafter to appoint office-bearers.

8. The treasurer and secretary of the said society, and such other officers as may hereafter be required for the management of its affairs, shall be appointed in such manner as shall be declared by the bye-laws and rules of the said society to be passed by virtue of this act.

Appointment of treasurer and secretary regulated by bye-laws.

9. It shall be the duty of the executive committee, from time to time as occasion may require, to consult on the affairs of the society—to examine and ascertain the state of the said school, and of the lands and buildings of the society and the management thereof—to examine and review the proceedings and rules of the said committee, and generally to oversee the affairs of the society and exercise supervision thereof, and, when and so often as occasion may require, to make report on any of the said matters, or any other affecting the interests of the society, to the annual meeting of the society.

Power given to executive committee.

10. A report shall annually be made to the society of the proceedings of the executive committee, and of the progress and state of the said school, and of the receipts and expenditures and state of the funds and accounts of the society, and of its affairs generally.

Annual report of executive committee.

11. A general meeting of the said society shall be held once in every year, and as much oftener as may be directed by any rule or bye-law of the said society, and the executive committee aforesaid, or a majority of them, shall have power to call a general meeting of the said society, at any time, and as often as they may see just occasion, at such places, times, and in such manner, as shall and may be regulated by the rules and bye-laws of the said society.

General meetings of society.

Committee meetings.

Appointments not considered permanent.

12. The executive committee of the said society shall meet and assemble as often as there may be occasion, or as may be required and appointed by the rules and bye-laws of the said society.

13. The appointments named in this act shall not, by reason of anything herein contained, be deemed permanent, but shall be subject, as to their duration, and in all other respects, to any resolutions of the society, at any general meeting, and to the bye-laws and rules which may, from time to time, be passed by virtue of this act, in the same manner as any other or future appointment to the same, or any other offices of the said society, are or may be subject, anything herein contained to the contrary notwithstanding.

9 Vic., chap. 36. AN ACT TO INCORPORATE THE EDUCATIONAL BOARD OF THE PRESBYTERIAN CHURCH OF NOVA-SCOTIA.

Passed 20th March, 1846.

Preamble.

Whereas the synod of the Presbyterian church of Nova-Scotia are now in the possession and enjoyment of certain donations, bequests and collections made to or by the said Presbyterian church of Nova-Scotia, for the purpose of promoting classical and religious education in connection with that body, and others of a similar nature may be made; and whereas the said synod having taken the said subject into consideration, have determined that the care and management of said funds should be vested in a board duly constituted by them for such purpose, and that such board should apply to the legislature for the passing of an act of incorporation for enabling them to hold and manage their funds and property given, bequeathed or collected to or by the said Presbyterian church of Nova-Scotia, for the purpose aforesaid, with greater care and convenience; and whereas the said board have so applied, and because the incorporation of the said board may be beneficial in manner and for the purposes aforesaid, it is fit and proper to grant the said request:

Incorporation of educational board.

1. *Be it therefore enacted, &c.,* That the reverend John McKinlay, Abram Patterson, James Dawson and Roderick McGregor, esquires, the reverend John Logan Murdoch, James DeWolf Fraser, esquire, the reverend Peter Gordon McGregor, Charles D. Hunter, esquire, the reverend James Smith, Adam Dickie, Isaac Logan, John D. Christie and Anthony McLellan, esquires, and the reverend John Campbell, together with the moderator and clerk of the said synod for the time being—the said board being duly nominated by said synod—the said moderator and clerk to be ex-officio members—and all and every such other person or persons as shall be hereafter duly nominated and appointed

by said synod as hereinafter provided, and their successors shall be, and are hereby appointed, a body politic and corporate, in deed and in name, by the name of "the educational board of the Presbyterian church of Nova-Scotia," and by that name shall have succession forever, and have a common seal, and by that name shall and may sue and be sued, plead and be impleaded at law and in equity, and in all courts and places, and be able and capable to have, hold, purchase, get, receive, take, possess and enjoy lands, houses, tenements, hereditaments and rents in fee simple or otherwise; and also goods, chattels, and all other things, real, personal and mixed; and also to give, grant, sell, let, assign or convey the same, or any part thereof, and to do and execute all other things in and about the same as shall or may be thought necessary or proper; and also to put out and invest the funds and monies, now held and enjoyed by said educational board to and for the purposes aforesaid, upon mortgage upon houses or lands in the said province of Nova-Scotia, or in the public funds of said province, in such sums and at such rates of interest as to said board may appear expedient, and to collect the interest due thereon, and to call in, collect, and again to invest the said funds, or any part thereof, and to have all the efficient and necessary powers for the due and faithful management of said funds; and also shall have, from time to time, and at all times, full power and authority to constitute, make and establish such bye-laws, rules and ordinances, and at any future time to alter and change the same, as may be thought necessary for the rule and good government of said board—declaring the extent, duration and authority of the members of the said board—their mode of appointment by the said synod, and for promoting the objects and purposes of said board; provided always that such bye-laws, rules and ordinances be submitted to, and be approved of, by the said synod, and also be not contradictory or repugnant to the laws or statutes of this province, or of those in force within the same, or to the provisions hereof; and provided also that the said board shall not hold at any time lands, tenements, houses, hereditaments and rents, goods, chattels, property or effects of greater value than twenty thousand pounds.

Proviso.

2. The two several bequests following, to wit: a bequest from the late Andrew McCara, esquire, of Rogers' Hill, in the county of Pictou, and another bequest from the widow of the late reverend Alexander Dick, of Shubenacadie, in the county of Hants, and the funds in the power of and under the control of the said synod, entitled "the theological professorship fund," shall be, and hereby are declared to be, vested in the said incorporated board, to and for the purposes aforesaid: provided always, nevertheless, that if at any time the said presbyterian church of Nova Scotia, whether the said church shall retain her present appellation or assume another, shall cease to be orthodox, or her constitutions and standards as received by the said church and exhibited and explained in the basis or articles of union formed and agreed to in the year of our Lord one

Bequests from A.
McCara, &c. &c.,
vested in board.

Proviso.

thousand eight hundred and seventeen, shall become so changed as to become essentially different from what they now are, then the said funds or any other funds to be hereafter bequeathed, obtained or collected, and vested in the said board for the purposes aforesaid, shall become alienated, and shall be applied to the general purposes of education by the legislature, in and for said province : and provided always that should the said presbyterian church of Nova Scotia at any time unite with any other orthodox body, or bodies of christians, the said funds shall become the property of the united body on such terms as may be mutually agreed on by the contracting parties : provided always, that no infringement shall be made thereby on the original intentions of the donors of said funds, or of any conditions annexed thereto : and provided also, that if at any future time or times a division or separation should take place, or be agreed upon in the said synod or presbyterian church of Nova Scotia, that then, and in such case, the new synod which shall adhere most closely to the standards of the said presbyterian church of Nova Scotia, as exhibited in the articles or basis of union as aforesaid, in government, doctrine and discipline, shall be and is hereby declared to be, the true, rightful and legal owner of the said funds and property, of whatever nature or kind vested in, or belonging to said board, and appertaining to, or forming any part of the trust funds then held and enjoyed by them, for the purposes as aforesaid.

Proviso.

Proviso.

Nomination of board.

3. So long as the said presbyterian church of Nova Scotia, whether it shall retain its present appellation or assume another, shall continue to be orthodox, or its constitution and standards as received by the said church, and exhibited and explained in the basis or articles of union, framed and agreed to in the year of our Lord one thousand eight hundred and seventeen, shall not become so changed as to become essentially different from what they now are, and so long as no union has been formed by the said presbyterian church of Nova Scotia, with any other orthodox body or bodies of christians, the members of said board shall be duly nominated and appointed by said synod, and no person shall be eligible to be elected a member of said board, unless he be at the time in full communion with the said presbyterian church of Nova Scotia, and shall so remain so long as he continue a member thereof : and provided always, that the moderator and clerk of said synod for the time being shall be at all future times ex-officio members of said board.

Proviso.

Removal, resignation, &c. of members.

4. It shall and may be lawful for the said synod to remove, displace and add to the said board in lieu of the member of the said board so removed or displaced ; and further, that any member of the said board shall at any time be at liberty to resign his seat or trust, and by such resignation to cease to be a member thereof.

Duty of board.

5. It shall be the duty of the said board from time to time, as occasion may require, to meet and consult on the state of the said funds, and the best means of increasing and improving the same, and generally to overlook and review the affairs entrusted to the

care of said board, and to exercise a watchful supervision over the condition and value of the securities held by said board, and upon the conduct and fidelity of all agents employed by them for the collection and management of said funds, or any part thereof, and that any three of such board shall form a quorum.

6. A report shall be annually made by said board to the said synod, of the progress and state of the said funds, an abstract of the securities held by the said board, and of the principal and interest due on each of them respectively, and generally of the affairs of said board. Annual report.

7. The passage of this act shall not be construed to pledge the legislature of this province to have any concern, share or interest in the said board, or to give the said board or presbyterian body any claim of any sort or kind upon the treasury or government of this province, it being the true intent and meaning of this act, that the said board or presbyterian body should proceed on their own funds, and without the pledge or promise of any aid or grant from the legislature of this province, by reason of the passing of this act. Act not to give board any claim on the legislature.

AN ACT TO INCORPORATE THE HALIFAX ASSOCIATION IN AID OF
THE COLONIAL CHURCH SOCIETY.

Passed 28th March, 1850.

1. *Be it enacted, &c.*, That the persons hereinafter named that is to say: Robert Fitzgerald Uniacke, John W. Ritchie, James G. A. Creighton, William Howe, Henry Ince, Thomas A. Brown, and all such other persons as now are members of the society called the "Halifax association, in aid of the colonial church society," and their successors, are hereby created a body corporate, by the name of "the Halifax association, in aid of the colonial church society," and by that name shall have succession and a common seal, and by that name may sue and be sued, and may purchase, take and hold real and personal estate, and may let, sell, convey, or otherwise manage and dispose of the same, or any part thereof, and shall have power to make bye-laws for the rule and good management of the association, the establishing of the officers proper for the management of its affairs, and generally for the promotion of the interests of the society; but such bye-laws shall not be contrary to the laws of this province or the provisions of this act. Halifax association in aid of the colonial church society, incorporated.

2. The society shall not hold at any time real estate of greater value than ten thousand pounds. Real estate.

3. All persons paying an annual subscription of ten shillings or upwards, or making at one time a donation of ten pounds, when ad- Subscription of members of society.

mitted, pursuant to the bye-laws, shall be members of the society; but if such annual subscription or donation shall not be actually paid into the funds on or before the first day of April in each year, such member shall cease to be a member of the society until the same shall be paid, or until such person shall otherwise become a member thereof, under some bye-law or rule of the society.

Officers of society.

4. The association shall be governed, and its affairs managed, by a committee of not less than fifteen persons, comprising a president, two vice presidents and not less than ten other members, a secretary and treasurer—the committee to be henceforth called the executive committee; and such other officers as the society may deem proper.

Present officers to continue in office.

5. The persons who now hold the offices of president, vice-presidents, committee, secretary and treasurer, shall continue to be the president, vice-presidents, committee, secretary and treasurer until their successors shall be elected under this act.

Society to appoint office-bearers at general meeting.

6. The society shall have power to appoint its office-bearers at some general meeting of the society by a majority of the members present, being not less than twenty members, according to the bye-laws to be made under and by virtue of this act.

Executive committee to invest donations and to submit annual report.

7. All donations to the society shall be invested, under the direction of the executive committee, as a permanent fund for the benefit of the society, and the executive committee shall be bound to account to the society for all their acts, receipts and expenditures, and to make annual report to the society at its general meeting, of the progress and state of the society, and of its affairs generally.

General meetings.

8. A general meeting of the society shall be held once in each year, and as much oftener as may be directed by any rule or bye-law of the society.

Meetings of executive committee.

9. The executive committee shall meet as often as there may be occasion, and any five of its members may form a quorum.

14 Vic., chap. 20. AN ACT TO INCORPORATE THE DIOCESAN CHURCH SOCIETY OF NOVA-SCOTIA.

Passed 31st March, 1861.

Names of members incorporated.

1. *Be it enacted, &c.*—The persons hereinafter named, that is to say, the bishop of the diocese for the time being, the venerable archdeacon Willis, the reverend Fitzgerald Uniacke, the reverend Edwin Gilpin, the honorables Brenton Halliburton, William B. Bliss, Charles R. Prescott, Henry H. Cogswell, and John Spry Morris, John W. Ritchie, Samuel P. Fairbanks, Lawrence Hartshorne, Henry Pryor, and all such other persons as now are members of the society called “the diocesan church society of Nova-

Scotia," and their successors, shall be a body corporate by the name of the "diocesan church society of Nova-Scotia," of which corporation the bishop of the diocese shall be the president.

Bishop to be president.

2. The corporation may hold real estate not exceeding at any one time the annual value of twelve hundred pounds, and the rents and profits arising from such real estate shall be applied for the uses and purposes of the church or churches, or of religious or educational institutions connected with the church of England in this province. The corporation shall have power from time to time to sell such real estate and to purchase other real estate not to exceed the value hereinbefore mentioned.

May hold real estate, annual income not to exceed £1,200.

May sell and purchase real estate.

3. All persons when admitted pursuant to the bye-laws of the corporation shall be members of the society.

Persons admitted pursuant to bye-laws to be members of the society.
Government.

4. The society shall be governed and its affairs managed by a committee of not less than twenty-five persons, comprising a president, vice-presidents, a secretary, an assistant secretary and treasurer, the committee to be henceforth called the executive committee, and such other officers as the society may deem proper.

5. The persons who now hold the offices of the vice-presidents, committee, secretary, assistant secretary and treasurer shall continue to hold such offices until their successors shall be elected under this act.

Vice-president, &c. to continue in office until successors appointed.

6. All donations to the society shall be invested or disposed of under the direction of the executive committee for the benefit of the society, and the executive committee shall be bound to account to the society for all their acts, receipts and expenditures, and to make annual report to the society at its general meeting of the progress and state of the society, and of its affairs generally.

Donations to be invested.

Committee to make annual report.

7. A general meeting of the society shall be held once in each year, and as much oftener as may be directed by any rule or bye-law of the society.

General meeting to be held once a year.

8. The executive committee shall be summoned to meet as often as the president or two of the vice-presidents may deem it necessary, or as often as may hereafter be directed by any rule or bye-law of the society.

Committee to meet when summoned by president or two vice-presidents.

AN ACT FOR THE INCORPORATION OF CERTAIN BODIES CONNECTED WITH THE WESLEYAN METHODIST CHURCH.

14 Vic., chap. 83.

Passed 7th April, 1861.

Whereas a large number of persons in the province of Nova-Scotia are associated together in classes, societies and congregations, constituting a religious community, known by the name of the "Wesleyan Methodist church in Nova-Scotia," under the pas-

Preamble.

toral care and direction of ministers of God's word, in connection with the yearly conference of the people called methodists, held at London, Leeds, Bristol, or elsewhere in England, as known by a certain deed poll, or instrument in writing, under the hand and seal of the reverend John Wesley, formerly of Lincoln college, Oxford, clerk, bearing date on or about the twenty-eighth day of February, one thousand seven hundred and eighty-four, and enrolled in her majesty's high court of chancery on or about the ninth day of March, in the year last aforesaid, the ministers and members of which church are in connexion with and are governed and directed by the rules and usages made or sanctioned from time to time by the conference.

And whereas for the more beneficial and effectual exercise of pastoral supervision by the ministers, and for the better and more effectual administration of the discipline of the church, the province or part thereof occupied by such ministers is divided into convenient sections called circuits, and the classes, societies and congregations within each circuit respectively are placed from year to year under the pastoral care of one or more of the ministers appointed to such circuit by, or by authority of, the conference, and one of whom so appointed to each circuit is called the superintendent thereof; and in each of such circuits certain persons are from time to time appointed, according to such rules and usages, to the offices of circuit stewards, to assist in managing the financial affairs of such circuits; and certain persons are from time to time appointed or recognized, according to such rules and usages, as trustees of chapels, or parsonage houses, or burial grounds, or other lands or property required for the use of the church within the circuits respectively.

And whereas, for the more convenient regulation of the affairs of the church, a number of such circuits are associated together by authority of the conference, and every such association of circuits is called a district, and a yearly assembly of the ministers in every such district is held and called the district meeting of ———, the business of which is generally presided over by one of the ministers, who is called the chairman of the district and the general superintendent of missions therein, and who is appointed to his office by the conference.

And whereas it is necessary that greater facilities should be enjoyed by the church for holding, possessing and using lands and other property for the support of public worship and for the propagation of christian knowledge, and for the constituting and managing of funds and institutions for the several and general religious and benevolent objects of the church.

And whereas at sundry times heretofore, lands and other property have been conveyed, by devise, or by deeds of gift, or by deeds of bargain and sale, or by other deeds or instruments, to the church officers, or other parties named or signified in such deeds or instruments or devises in trust, for the use and benefit of the

church, some of which deeds or instruments or devises are defective as not containing necessary directions for the appointment of successors for the trusts respectively created, or as being in other respects not accordant with such rules and usages, from which defectiveness inconveniences have arisen, or are liable to arise, which it is necessary to remedy, and in the future to prevent:

1. *Be it therefore enacted, &c.*—Each board of trustees of any chapel, parsonage house, burial ground, school-house, or other property held in trust for the use and benefit of such church in connexion with the conference, and their successors, and each board of trustees to be hereafter appointed according to the rules and usages for such purposes, and their successors, shall be a body corporate, having perpetual succession, by the name of the “trustees of the Wesleyan methodist chapel,” or burial ground, or other property, as the case may be, in the place in which the trust property shall be situated, or by such other name as is or shall be mentioned in the trust deed, or other act or instrument by which trusts respectively are or shall be created.

Board of trustees
to be a body cor-
porate.

2. The Wesleyan methodist ministers now constituting any such district meeting, and their successors, or who shall be hereafter by authority of the conference, constituted a district meeting, and their successors, shall be a body corporate, having perpetual succession, by the name of the “Wesleyan district meeting of the _____ district,” as the case may be.

District meetings
incorporated.

3. Each of the corporations of trustees hereby constituted, or to be hereafter constituted by virtue hereof, shall be capable of taking, holding and possessing lands, tenements, monies and other property heretofore conveyed to them, or which shall be hereafter conveyed for the use and benefit of such trusts respectively, and of suing and being sued in any of her majesty's courts of law or of equity, and shall have and exercise all the rights, powers and privileges incident to a body corporate according to the laws of this province, any thing in the statutes commonly called the statutes of mortmain, or in any other act or statute to the contrary notwithstanding; and lands and other property that have been or shall be granted, given or devised for the use of the church, shall be held to be vested in the district meeting corporation, or to be vested in special trust under the corporate authority hereinbefore created, accordingly as by the known and established general rules and usages of the Wesleyan society such lands and property ought to be subjected to the management of the one trust or the other.

Trustees may
hold lands, &c.

May sue, &c.
Lands, &c. given,
vested in district
meetings.

4. The district meeting hereby incorporated, and such district meetings as shall hereafter be constituted, shall be capable of taking, holding and possessing lands, tenements, monies and other property, for the use and benefit of such church in connexion with the conference, or of any portion thereof, or the establishment of any funds or institutions which are now or may be hereafter required for the purposes of the church, or of any portion thereof, or for the purposes of the conference, and shall have authority respectively, and

May hold property
and establish
funds, and make
regulations for
their manage-
ment.

from time to time to make laws and regulations for the due management of such funds and institutions not at variance with the laws of this province; and of suing and being sued in any of her majesty's courts of law or equity, and shall have and exercise all the rights, powers and privileges, incident to a body corporate according to the laws of this province, anything in the statutes of mortmain, or any other acts or statutes to the contrary notwithstanding.

District chairman to appoint trustees of property where provision not made for their appointment, or on vacancy.

5. Where in any case any lands, tenements, monies or other property, or any right or interest therein, or use thereof, shall have been given or conveyed, or intended to be conveyed, or shall hereafter be given or conveyed or intended to be given or conveyed, by grant or devise, or otherwise, in trust for the use and benefit of such church or of any portion thereof, and no proper provisions have been or be made for the appointment of trustees, or of successors in the trust, or such provisions have been or shall be made as are not in accordance with such rules and usages, or a vacancy or vacancies in the trust shall have been or shall be occasioned by death or otherwise, which vacancy or vacancies shall not have been or be duly filled by the appointment of a successor or successors before the passing of this act, in any such case now existing the superintendent of the circuit in which such trust existed, or if the property be in a place where no circuit extends, then the chairman of the district shall, within twelve months after the passing of this act, and in any such case hereafter arising, shall, as soon as convenient, cause the requisite number of trustees, or of successors to the former trustees, to be duly appointed according to such rules and usages, and the trustees and their successors so duly appointed, and their successors from time to time thereafter so duly appointed, shall be the proper and lawful trustees of the trusts respectively, and shall have and exercise all the rights and powers and privileges pertaining to such trustees, according to the rules and usages, and with the corporate privileges and authority which are conferred, or are intended to be conferred, on trustees by this act.

Powers, &c. of trustees and district meetings to be in accordance with rules of conference.

6. The trustees and district meetings hereby incorporated, or authorized to be hereafter incorporated, and their successors shall hold and exercise the right, powers and privileges connected with their respective trusts, in accordance with the rules and usages from time to time passed or established by, or by authority of, the conference.

Trustees of land to keep a record book.

7. The trustees of any land held, or to be hereafter held, for a chapel, or for a parsonage house, or burial ground, or school house, or other building for the use of such church, or any portion thereof, shall keep a book of records, in which shall be duly entered, according to the rules and usages, the appointment of any successor or successors in the trust, and the person or persons so appointed shall be entitled, in conjunction with the then surviving or remaining trustees, to hold and possess the lands and all the appurtenances thereof, without any deed of conveyance or assignment being made

to them, and the production of such entry in the book of record, or a duly authenticated copy thereof, shall be sufficient evidence of the appointment of such successor or successors in any of her majesty's courts of law or of equity, and of his or their possession of co-ordinate rights and privileges with the other trustees from the time of the appointment of such successor or successors respectively.

Record book to be evidence of appointment.

And whereas by the last will and testament of Elijah Forsyth, late of Horton, in this province, yeoman, the sum of three hundred pounds was given and bequeathed to the stewards of the Wesleyan methodist society, and their successors, to be by them invested on good security, and the interest to be paid annually towards the support of the Wesleyan methodist preacher who shall be stationed in the said Horton circuit in all time to come, which will and testament bears date the eighteenth day of March, one thousand eight hundred and fifty.

8. James N. Crane, and William C. Denison, both of Horton aforesaid, being the duly appointed stewards of the Wesleyan methodist society in Horton, and their successors in office as such stewards, are hereby authorized to receive such sum of three hundred pounds in trust for the purpose of such will and testament, and to invest the same with the concurrence and under the direction of the district meeting, and to cause the interest thereof to be applied to the support of the Wesleyan methodist minister appointed from time to time to such circuit, according to such rules and usages.

Stewards of society in Horton authorized to receive bequest of E. Forsyth.

9. If at any time after the passing of this act a conference of Wesleyan ministers shall be by the authority of the conference hereinbefore mentioned, organized in the province, then all the rights, powers and privileges, by this act granted to the district meeting or district meetings, shall be thenceforward vested in the conference which shall be so organized, and the lands, tenements, monies, or other property at such time held by the district meeting or district meetings, shall become the property of the conference in this province, for the same use and benefit for which they shall have been previously received and held by the district meeting or district meetings, under the authority and provisions of this act.

Upon establishment of a conference, privileges conferred upon district meetings to vest therein.

10. After the organization of a conference in this province, the words "rules and usages" in this act, shall be held to refer to such rules and usages as shall thenceforward be made or sanctioned by the conference in this province.

Definitions.

11. The annual value of lands held by any board of trustees incorporated hereunder shall not exceed at any time the sum of sixty pounds, exclusive of lands and premises held for chapels, parsonage grounds and burial grounds.

Annual value of lands.

12. The annual value of lands held by any district meetings shall not exceed the sum of one thousand pounds.

Lands held by district meetings.

13. Chapter eighty-seven of the revised laws, passed during the present session, shall not refer to this act.

Chap. 87. revised laws no reference to this act.

2 Wm 4, chap. 57.

AN ACT CONCERNING THE PROPERTY OF THE METHODIST
SOCIETY AT HALIFAX.

Passed 14th April, 1832.

Preamble.

Whereas a very extensive society or congregation of the people called methodists, professing the doctrines taught by the late Mr. John Wesley, has long been established in Halifax under the spiritual care of ministers appointed at the yearly conference of the people called methodists, as established by a deed poll of the said John Wesley, under his hand and seal, bearing date the twenty-eighth day of February, in the year one thousand seven hundred and eighty-four, and enrolled in his majesty's high court of chancery at London: for the use and benefit of which said society or congregation divers lands have heretofore been purchased in Halifax and conveyed to trustees to and for the use and benefit of the said society, of all which said lands and tenements a description together with the dates of, and the parties to, the respective deeds whereby the same are conveyed, is contained in the schedule A to this act annexed, as by reference thereto will at large appear.

And whereas the said several lands and premises in the annexed schedule A described are now under the care and management of nine persons as trustees of and for the said society, that is to say: Alexander Anderson, gentleman, Samuel Sellon, shipwright, the reverend William Black, John Jost, shoemaker, Hugh Bell, brewer, Martin Gay Black, merchant, John McNeil, hatter, and James Noble Shannon and John H. Anderson, both merchants, all of Halifax, who either are the survivors of the trustees named in the said deeds or have been from time to time nominated to be trustees for the said society, but by reason that no conveyances of the said lands or of their interest therein have been made by the trustees or heirs of the trustees who are deceased or have left the society, to the new trustees, and from other causes, the title to the said lands has become uncertain, and the said present trustees cannot sell, mortgage or dispose of the said lands or occupy the same for the purposes of the said society in so beneficial a manner as is desired; wherefore the said trustees have applied for such powers, authorities and remedies as in and by this act are provided in respect to the premises:

Trust established.

1. *Be it therefore enacted, &c.,* That from and after the passing of this act the said Alexander Anderson, Samuel Sellon, William Black, John Jost, Hugh Bell, Martin Gay Black, John McNeil, James Noble Shannon and John H. Anderson, and each and every of them, so long as they respectively continue members of the said society or congregation of people called methodists, as aforesaid, at Halifax, and all every person and persons who, at any time or times hereafter, shall be chosen upon any vacancy in the

said trust, and in the manner hereafter mentioned to supply the same, shall be and be deemed to all intents and purposes whatsoever, the trustees of and for all and singular the estate, real or personal of the said society, or for the use and benefit thereof, now obtained or possessed by or belonging to the said society, or any in trust therefor, under the descriptions and by the deeds in the said schedule A contained or referred to, or hereafter to be obtained by or conveyed to the said trustees or their successors for the benefit and purposes of the said society, and the said persons and their successors in office shall constitute and form one continuing trust or board of nine members, to be called the trustees of the methodist society at Halifax.

2. The superintendent preacher of the Halifax circuit for the time being shall, by virtue of such office, be entitled to preside at all meetings of the said board of trustees, and sign the minutes of their proceedings, and shall have, with the several trustees for the time being, a vote upon all questions and in all resolutions and decisions of the said board.

President of trustees.

3. The said board of trustees may at any time hereafter be reduced to any number not below five trustees, therein not including the superintendent preacher for the time being.

Reduction of number of trustees.

4. As vacancies in the said trust shall arise by death, resignation of office, or by any of the trustees ceasing to be a member of such society, every vacancy shall be supplied by the choice of a new trustee, to be made by the continuing and surviving trustees or the major part of them, and to be entered in the minutes of the proceedings of the said trust, to be kept in proper books to be provided for that purpose; and when and so often as a choice of a new trustee shall be made, the said continuing or surviving trustees, or the majority of them, shall make, sign and seal an instrument declaring such choice, and the party chosen shall also execute the same in proof of his acceptance of the office of trustee, and such instrument shall be in the form set forth in the schedule B to this act annexed, and shall be registered on the oath of the subscribing witness thereto in the books of registry at Halifax, and upon such registry being made the new trustee shall become a member of the trust as fully and effectually as if he were named in this act to that office.

Vacancies in trust.

5. From and immediately after the passing of this act, all and singular the lands, hereditaments and premises described in the said schedule A to this act annexed, and their respective appurtenances, and the rents, issues, profits and benefits thereof, and all the estate, right, title, interest, use, trust, inheritance, property, claim and demand whatsoever, both in law and in equity, of the said several persons or trustees named in the said several indentures in the said schedule A mentioned, and of the survivors of any of the said persons or trustees, and of the several or respective heirs or assigns of the said persons or trustees respectively who are since deceased, whomsoever and wheresoever; and also all monies, goods,

Property vested in trustees under this act.

chattels and personal estate whatsoever held by the trustees in the said several indentures named, or the survivors of them, or by the present trustees of the said society; and further, all securities for money or other obligatory instruments, evidences or muniments, and all rights or claims belonging to or had by the said congregation or society, or any trustee thereof or therefor, shall be and become absolutely the property of the said trustees in and by this act appointed, and shall be and become vested in them as and for the same estate and interest as the trustees named in the said indentures, or the survivors of them, or the heirs or assigns of the trustees who have died or ceased to be trustees, or the present trustees of the said society, had or have, or were, or now are entitled to have therein, and without any assignments, deeds or conveyances whatsoever to be made thereof; and after the death of any of the trustees by this act appointed, or any other vacancy occurring in the said board of trustees hereby established, shall vest in the succeeding trustees for the time being, respectively, chosen to fill such vacancies in conjunction with the continuing trustees, without any deed, conveyance or assignment made or required to be made by the heirs of any trustees so dying, or by any trustee so resigning, or by the continuing trustees or any of them, on any or either of the occasions aforesaid.

Conveyance of
property to trustees.

6. The surviving trustees named in the before recited indentures shall, and they are hereby authorized, at the request of the board of trustees, to release and convey all and singular the lands in the said indentures described unto the trustees hereby appointed, with their appurtenances, in fee simple.

Trustees may sue
and be sued.

7. The said trustees hereby appointed, and their successors, shall be and are hereby authorized and empowered, in their name of office, to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or equity, touching or concerning the lands, real or personal estate, debts, claims, rights and property, of the said trustees, or of the said society at Halifax; and the same estate and property shall, when necessary, in every such proceeding, be stated to be the property of the said trustees, by their name of office, herein given and established, and the said trustees, by their said name of office, shall and may in all cases concerning the respective lands in the schedule A described, or other real or personal estate, to be vested in them, debts, claims, rights and property, of the said board of trustees, or of the said society whatsoever, sue and be sued, implead and be impleaded, as trustees, by their said official designation. And no such suit, action or prosecution, shall be discontinued or abate by the death of any such trustee, or his ceasing to be such trustee, but shall and may be proceeded in by the board of trustees, for the time being, any law, usage or custom, to the contrary notwithstanding; and the trustees for the time being shall pay or receive the like monies, costs and expenses, as if the action or suit had been prosecuted by individuals, and for the benefit of, or to be reimbursed from, the trust funds of the said society.

8. It shall and may be lawful for the trustees for the time being, appointed by or in pursuance of this act, or the major part of them, and they are hereby empowered, in their several names, and under their designation of "the trustees for the society of methodists in Halifax," to contract for and purchase, or in any mode acquire or obtain, either in fee simple, or for any life or lives, or term or terms of years, for the benefit or purposes of the said society, any messuages, lands, tenements, buildings or hereditaments, whatsoever, in this province, and to take and receive the necessary and legal conveyances, leases, deeds, assignments or other transfers thereof respectively, to hold for, upon, under and subject to, the uses and purposes in this act mentioned.

Trustees may purchase property.

9. It shall and may be lawful for the said trustees for the time being, or the major part of them, and they are hereby authorized and empowered to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as they may think proper, and for such prices, sums, rents or terms, as shall be agreed upon, as well all or any part of the said lands, hereditaments and premises, described in the several indentures or any of them in the schedule A mentioned, as also all or any part of any other lands and hereditaments hereafter to be conveyed to, or held by the said trustees for the time being, and all or any of the personal estate and property of the said trustees or society for the time being, and to such extent and in such proportions, and at such times as the trustees for the time being shall think proper to exchange, sell, mortgage, lease, convey or dispose of the same: and every such deed, mortgage, lease or conveyance thereof, executed by the trustees for the time being, in their name of office aforesaid, and signed by them respectively, or by the major part of them, shall be sufficient and valid in law to convey to the grantee, mortgagee, lessee or purchaser, or grantees, mortgagees, lessees or purchasers respectively, either in perpetuity or by way of mortgage or of lease for years or otherwise, as the case may be, all such estate, title and interest therein, as the said trustees or the said society now have or are entitled to or hereafter may have, hold or be entitled unto, into or out of any such real estate or property whatsoever now held or hereafter to be obtained so granted, mortgaged, leased or disposed of; or as the said trustees for the time being, on behalf of the society, may desire or design by such deed, mortgage, lease or conveyance respectively, to vest in the grantee, mortgagee or lessee, named therein.

Trustees may sell or mortgage property.

10. All and singular the lands, hereditaments and premises, which are in the annexed schedule A described, and in the deeds there referred to contained, or which shall or may hereafter be purchased and conveyed to the said trustees for the use of the said society, and every part and parcel thereof, with the several and respective appurtenances thereto belonging, and all personal estate, monies and effects aforesaid, shall at all times hereafter be taken, held, possessed and enjoyed, by the trustees for the time being, under this act, upon special trust and confidence, and to the intent

Declaration of trust established by this act

For use of society
of methodists at
Halifax.

that they and the survivors of them and the trustees for the time being, do and shall take, hold, possess, apply and dispose of, the same and every part thereof, for the use, benefit and advantage, of the said society of methodists at Halifax, and for the sites of the chapels or meeting houses, dwellings of the ministers for the time being of the said society, burial places, school houses or other purposes whatsoever, to which it may, for the advantage, support and well being of the said society, and the ministers, members or poor thereof, be at any time or times, by the trustees for the time being, found expedient or desirable to appropriate, apply or dispose of, the same: but subject nevertheless to such powers of mortgaging, leasing, selling, conveying and disposing of the said real and personal estate as are hereinbefore vested in the said trustees, and subject also to all such sales, exchanges, deeds, mortgages, leases or other dispositions as may be thereof made as aforesaid—and upon this further special trust and confidence, and to the intent that the said trustees for the time being do and shall from time to time, and at all times forever, permit such persons as shall be appointed at the yearly conference of the people called methodists, as established by a deed poll of the before mentioned John Wesley, under his hand and seal, bearing date the twenty-eighth day of February, in the year one thousand seven hundred and eighty-four, and enrolled in his majesty's high court of chancery in London, and no others, except with the consent of the superintendent preacher for the time being of the Halifax circuit, to have and enjoy the free use and benefit of the present meeting house and chapel or of any future meeting house or chapel, which may be erected in lieu thereof, to the end that such persons may therein preach and expound God's holy word; and upon this further trust and confidence, that the said real and personal estate, and every part thereof, shall, subject as aforesaid, at all times hereafter, be held in trust for the benefit of the several persons belonging to the society or congregation in Halifax, connected with, and under the direction of the preachers or ministers appointed by the said conference for ever.

Receipts of trustees.

11. The receipts of the said trustees shall be good and sufficient discharges for all monies paid to them, for, or on account of any the trust funds or property aforesaid, and the party paying shall in no case be obliged to see to the application thereof, nor shall the trustees be answerable for each other, but each of them shall be answerable for his own acts and receipts; nor shall any trustee be in any wise answerable or liable for any loss or deficiency of the trust funds or property, or profits to arise therefrom, unless the same arise from his own wilful misconduct or neglect, and each and every of the trustees shall retain, be paid and allowed, all costs, charges and expenses, incurred in and about the trust aforesaid.

Schedule A referred to in the foregoing act.

Containing a description of the lands in Halifax, conveyed in trust for the methodist society, and the dates of the respective deeds, and of the parties thereto.

First.—Certain lots of land situate in the town of Halifax, being lots numbers eleven, twelve, and a part of number six, in the division letter C situate, lying and being in Forman's new division of said town, bounded on the north by Mr. Belcher's estate, and there measuring seventy-one feet and a half, on the west by part of number six, and there measuring thirty-nine feet three inches, on the south by lot number five, and there measuring thirteen feet, on the west by lot number five, and there measuring forty feet, on the south by lot number ten, and there measuring fifty-eight feet and a half, and measuring in front on Argyle street seventy-nine feet three inches; which land and premises, by deed dated the eighth day of May one thousand seven hundred and ninety-two, was conveyed by Richard Cunningham, esquire, to Alexander Anderson, John Wisdom, Joseph Anderson, Peter Smith and Samuel Sellon, their heirs and assigns, in trust for the benefit of the society of people called methodists, at Halifax, as by the said deed, duly registered at Halifax on the twenty-sixth day of June, in the said year one thousand seven hundred and ninety-two, will appear.

Description of property belonging to methodist society.

Secondly.—A certain lot of land, situate near Cornwallis fort, now the south barracks, in Halifax, said part being bounded on the north by the street, on the south by the old burying ground, on the west by Richard Cleary's lot, and on the east by the street at the shed barracks, measuring one hundred and sixteen feet in front, and two hundred and twenty feet in depth, which land was, by deed dated the fifth day of May, one thousand seven hundred and ninety-eight, conveyed by William Gorkum and Mary his wife, to Alexander Anderson, Samuel Sellon, Burrows Davis, Thomas Cowdell and George Leizer, their heirs and assigns, and by another deed, dated the twenty-seventh day of February, eighteen hundred and sixteen, was confirmed by the said William Gorkum and wife, in trust for the benefit of the society of people called methodists, at Halifax, and to be occupied as a burial ground for them, as by the said deeds, duly registered at Halifax on the tenth day of May, one thousand seven hundred and ninety-eight, and on the thirteenth day of March, one thousand eight hundred and sixteen, will appear.

Third.—All that certain lot or piece of land, situate in Halifax aforesaid, known and described as lot number four in Forman's new division, letter C, which, by deed dated the fourth day of May, one thousand eight hundred and four, was conveyed by William End to Alexander Anderson, Burrows Davis, Samuel Sellon, Peter Smith and George Leizer, their heirs and assigns, in trust, for the use and benefit of the society of the people called methodists

at Halifax, as by the said deed, duly registered at Halifax on the third day of September, one thousand eight hundred and four, will appear.

Fourth.—All that certain piece or parcel of land fronting on Grafton street, in the town of Halifax, measuring thirty-six feet in front, and thirty-six feet in depth, being the southern part of lot number five, letter C in Forman's new division of the town of Halifax, formerly purchased by Robert Chisholm from Phillip Kuhn, the said piece or parcel of land being the whole of said lot excepting four feet in front, and running the whole depth of the northern part thereof, reserved by the said David Chisholm for his own use, which said lot of land was, by deed dated the fifteenth day of April, one thousand eight hundred and eighteen, conveyed by David Chisholm and Margaret Ann his wife to Alexander Anderson, Samuel Sellon, the reverend William Black, John Jost, George Nock, Hugh Bell, Charles Loveland and Martin Gay Black, their heirs and assigns, in trust for the benefit of the society of people called methodists, at Halifax, as by the said deed, duly registered at Halifax on the sixteenth day of April, one thousand eight hundred and eighteen, will appear.

Schedule B referred to in the preceding act.

Certificate of appointment of trustees.

Know all men by these presents that we [*names of continuing trustees*] all of Halifax, the present members of the board of trustees of the methodist society at Halifax, constituted by the act of the general assembly of Nova Scotia, passed in the second year of the reign of his majesty king William the fourth, and entitled, an act concerning the property of the methodist society at Halifax, having this day met together in Halifax, for the choice of a new trustee, in the room of [*name of trustee whose seat is vacant*] whose [*death, resignation or other cause*] has occasioned a vacancy in the said trust, did, pursuant to the powers and directions by the said act given, duly, by a majority of votes of us the present trustees, choose and elect [*name of party chosen, his residence and designation*] being a member of the society of methodists at Halifax, to be one of the board of nine trustees in and by the said act established, and the said [*name of new trustee*] having accepted the office and consented to act as one of the said board, as by his hand and seal to these presents subscribed and set is signified, we, the said continuing trustees, do hereby elect, nominate, constitute and appoint, him the said [*name*] so long as he shall continue a member of the said society at Halifax, to be a member of the trust aforesaid, and one of the statute trustees of the methodist society at Halifax, with full power and authority to have, use and exercise, in conjunction with the other trustees for the time being, all the trusts, powers, rights, privileges and authorities, and to fulfill and discharge all the duties which in and by the said act are or may be discharged, used or exercised, by the said board of

trustees, pursuant to the said statute. In witness whereof, we, and the said newly elected trustee, have hereto our hands and seals subscribed and set, at Halifax, this — day of — in the year of our Lord one thousand eight hundred and —.

Signed and sealed in }
the presence of us }

AN ACT TO VEST CERTAIN LANDS BELONGING TO THE CONGREGATION OF THE PRESBYTERIAN CHURCH IN CORNWALLIS, IN TRUSTEES, AND TO ENABLE THEM TO DISPOSE OF THE SAME, AND TO PURCHASE OTHERS IN THEIR STEAD. 6 Vic., chap. 43.

Passed 29th March, 1843.

Whereas the glebe or lands now in the possession of the presbyterian congregation in Cornwallis, in king's county, were purchased by the original proprietors of the house of divine worship at Cornwallis as aforesaid, in which the reverend George Struthers at present officiates, from Samuel Willoughby, esquire, of Cornwallis, since deceased, and were by him conveyed, by deed bearing date the fifteenth day of January, one thousand seven hundred and eighty-seven, to John Whidden, Elkana Morton, and John Beckwith, the younger, and their heirs, in trust, for the first dissenting congregation as then called, assembling in said house of worship, for the use of their pastor for the time being; and the said original trustees having since died, and their heirs being numerous, and many of them having left the county, and some of them the Province, and the said presbyterian congregation having erected a parsonage house, and other buildings thereon, are desirous of securing and converting the said lands and premises to the purpose for which they were purchased.

Preamble.

1. *Be it enacted, &c.*, That from time to time, and at any time after the passing of this act, if shall and may be lawful for the said presbyterian church or congregation, in Cornwallis, assembling in the said house of worship, in which the said reverend George Struthers now officiates, at any public meeting of said congregation, whereof due notice shall have been given to such congregation, in the aforesaid house of worship, during the time that the said house shall be open for divine service, on the two Sundays previous to such meeting, to nominate and appoint, by vote of the majority of the said congregation present at such meeting, three fit and proper persons as trustees, to take charge of the glebe or parsonage lands and buildings thereon, for the purposes originally intended; and also all monies, goods, chattels and effects whatsoever, now belong-

Congregation appoint trustees to take charge of glebe, &c.

ing, or that may hereafter belong, to the said presbyterian church or congregation.

To fill up vacancies in the trust.

2. It shall and may be lawful for the said congregation, upon due notice being given as aforesaid, whenever they may think it necessary, at any public meeting so called as aforesaid, to fill up any vacancy that may have been made in said trust, by death, resignation or otherwise, or may, if they think proper, remove any one or more of said trustees from the office of said trust, and appoint others in their place, and the same power and authority of the former trustees shall vest in the succeeding trustee or trustees, without any assignment or conveyance for all purposes whatsoever mentioned in this act; and that at every public meeting for the purposes of this act, some fit person shall be chosen moderator or chairman, and some other fit person as clerk, and that all the proceedings thereat shall be duly entered in the books of the church or congregation, for that purpose to be provided, and the entries respectively shall be signed by the person presiding, and by the clerk of the meeting, and proof of such entry, so signed, shall be deemed sufficient evidence of such proceedings, and of the regularity of such meetings respectively.

Trustees authorized to sue and be sued, &c. &c.

3. Such trustees shall, and they are hereby respectively authorized, in their name of office, to bring or defend, or cause to be brought or defended, any action, suit or prosecution, at law, or in equity, touching or concerning the said real estate, of the said presbyterian congregation, and such trustees shall and may in such action, suit or prosecution, sue and be sued, implead and be impleaded, as trustees under their designation of office, and no such suit, action or prosecution, shall be discontinued or abated by the death of such trustees, or any of them, or by their respective removal from office, but the same shall and may be proceeded in, or defended by the succeeding trustees respectively, any law, usage or custom to the contrary notwithstanding; and the trustees for the time being, shall pay or receive the like monies, costs and expenses, as if the action or suit had been prosecuted in the names of those who shall be trustees at the time of the award and adjudication thereof, and such receipts shall be held for the said presbyterian congregation, and such payments shall be reimbursed to them, from the funds thereof.

All lands which were held by J. Whidden and others for the use of the congregation to vest in the trustees.

4. All lands, tenements and real estate, which were held in trust for the use of the said congregation by John Whidden, Elkana Morton and John Beckwith, the younger, and their heirs, shall after the passing of this act absolutely vest in and become the estate and property of the said church or congregation, as originally intended, as fully and effectually as if all the original trustees or their heirs, had legally conveyed the same by deed to the said congregation.

Trustees to convey lands as directed by a majority of the congregation.

5. By the vote and direction of the majority of the said presbyterian church or congregation, present at any lawful meeting of said congregation, of which due notice shall have been given as

aforesaid, the trustees for the time being shall, and they are hereby required and empowered to grant, sell, lease or convey, to such person or persons, and for such price, sums, rents or terms as by the majority of the said meeting shall be agreed on, any lands or real estate belonging to said presbyterian church or congregation, which a majority of said congregation, at such meeting shall think proper to sell, lease or dispose of, and every such deed, lease or conveyance thereof, executed by the trustees for the time being, in their names of office, and signed by the chairman or moderator of the meeting, which shall order the sale or other disposition, shall be sufficient and valid in law to convey to the grantee, lessee or purchasers respectively, either in perpetuity or for a term of years, or otherwise as the case may be, all such estate, title and interest therein, as the said congregation or the trustees thereof, had held or were entitled to, in, to or out of such real estate, with the appurtenances so granted, demised or disposed of, or as the said congregation designed by such deed, lease or conveyance, to vest in the grantee, lessee or purchasers, named therein; provided nevertheless that no real estate belonging to said church or congregation shall be disposed of, unless lands more conveniently situated, and of equal value are obtained and purchased in lieu thereof, in the name of the trustees and their successors in office, for the use of the said church or congregation, or pastor thereof for the time being, and the same be approved of by a majority of the said congregation, at a meeting lawfully called as aforesaid.

AN ACT IN ADDITION TO AND IN AMENDMENT OF THE ACT 7 Vic., chap. 2.
ENTITLED, "AN ACT TO VEST CERTAIN LANDS BELONGING TO
THE CONGREGATION OF THE PRESBYTERIAN CHURCH IN CORN-
WALLIS IN TRUSTEES, AND TO ENABLE THEM TO DISPOSE OF
THE SAME, AND TO PURCHASE OTHERS IN THEIR STEAD.

Passed 20th March, 1844.

Whereas it is found necessary that trustees should be appointed and empowered to take charge of the presbyterian church or house of worship in Cornwallis, in which the reverend George Struthers at present officiates, and the cemetery adjoining, called the presbyterian burial ground, and to receive all such donations, legacies and bequests which have been made or shall hereafter be made for the use of the said church or house of worship, or the pastor thereof, or for keeping up the fences and walls around the cemetery, in order that the same may be applied to the uses and purposes for which they are intended :

Preamble.

Trustees appointed under act 6, Vic., to take charge of church and cemetery.

And receive donations and legacies, &c.

Trustees to build and repair the walls of the cemetery, and plant ornamental trees, &c.

Deceased of every denomination may be interred in the cemetery.

Trustees may sue and be sued.

Addition may be made to cemetery.

Trustees may make rules respecting the cemetery—the same to be approved by the sessions.

Nothing in this act to affect the rights of her majesty or any other person.

1. *Be it therefore enacted, &c.,* That from time to time, and at all times after the passing of this act, it shall and may be lawful for the trustees appointed under and in pursuance of an act passed in the sixth year of the reign of her present majesty, entitled, an act to vest certain lands belonging to the congregation of the presbyterian church in Cornwallis in trustees, and to enable them to dispose of the same and purchase others in their stead, to take charge of the said church or house of worship, and the cemetery adjoining the same; and also to receive all donations, legacies and bequests that have been made or may hereafter be made for the use or benefit of the said church or house of worship, or the pastor thereof, or the cemetery adjoining the said church; and all monies, goods, chattels, or securities for money, or vouchers, or other obligations, of every description, belonging to or held by such congregation, and to appropriate the same for the purposes for which they were intended.

2. Such trustees shall have full power and authority to build up and keep in repair the walls and fences of the said cemetery, and to plant such ornamental trees around the said church and cemetery as to them shall seem proper; and that nothing in this act shall extend or be construed to extend to prevent the deceased of all denominations from being interred in the said cemetery, but that all the rights and privileges that have been heretofore enjoyed by the public in or to the said cemetery for sepulchral purposes, shall remain and be continued the same as if this statute had not passed.

3. Such trustees shall, and they are hereby respectively authorized in their name of office, to sue and be sued, and to have, commence, prosecute and defend, or cause to be commenced, prosecuted and defended, any action, suit or prosecution at law or in equity for or in respect of all donations, legacies and bequests which have been made or shall hereafter be made for the use of the said church or house of worship or the pastor thereof, or the cemetery adjoining the same, or touching or concerning any trespass or trespasses of any and every description committed upon the said church or house of worship, and cemetery, and the trees so planted or to be planted as aforesaid.

4. Such part of the public ground lately enclosed, adjoining the said cemetery and church, or house of worship, on the west and on the north of the highway, shall and may be added to the said cemetery and used as part thereof; and the said cemetery shall be under the superintendence and directions of the said trustees, who are hereby authorized to make rules and regulations respecting the said cemetery, so as the same be approved by the court of general sessions of the peace for the county of King's county.

5. Nothing contained in this act, or in the act of which this is an amendment, shall extend or be construed to extend to prejudice or in any manner affect the rights of her majesty, her heirs and successors, or of all and every person or persons, bodies politic or

corporate, his, her and their respective heirs, successors, executors, administrators and assigns.

AN ACT TO AUTHORIZE THE CONGREGATION OF THE BAPTIST MEETING HOUSE AT BRIDGETOWN TO RAISE MONEY FROM THE PEWS OF THE SAID MEETING HOUSE, FOR THE REPAIRING, ORNAMENTS, ALTERING OR ENLARGING THE SAME, AND FOR RATIFYING THE APPOINTMENT AND DEFINING THE DUTIES OF THE TRUSTEES OF THE SAID MEETING HOUSE.

6 Vic., chap. 44.

Passed 29th March, 1843.

Whereas Elias Weare and Ruth his wife, by a certain deed poll, or instrument in writing under their hands and seals bearing date the twenty-third day of March in the year of our Lord one thousand seven hundred and ninety two, for and in consideration of the love and good will he the said Elias Weare had and did bear towards the promoting the preaching of the gospel and the interest of religion, did thereby give, grant, release and confirm unto the church and congregation over which the reverend Thomas Handley Chipman was then pastor and teacher, and their successors for ever, a certain small piece of land for said church and congregation to build thereon a house for public worship, situate in Granville part of lot number one hundred and thirty-two, bounded as follows: beginning at a stake and standing at the north-easterly corner of the main road or highway that leads up and down the river where it comes to the said lot number one hundred and thirty-two, and makes a short turn southerly, and at the easterly side of the mouth of a two rod highway, where it meets with or enters into the aforesaid main road or highway; from thence north eighty degrees east five rods to a stake; from thence north ten degrees west eight rods to a stake; from thence south eighty degrees west five rods to said two rod highway; from thence south ten degrees east, bounding on said two rod highway to the first mentioned bound, containing one quarter of an acre—to have and to hold said piece of land for the purpose aforesaid, with all the profits, privileges and appurtenances thereunto belonging, or in any wise appertaining unto the said church and congregation and their successors, to their benefit and behoof forever.

Preamble.

And whereas the said Thomas Handley Chipman was of the denomination of christians commonly called baptists, and the said herein before described lot of land having been used and occupied as a site for a meeting house from the date of the said deed by the said church and congregation under the said deed from the date thereof, hitherto without interruption.

Preamble.

Preamble.

And whereas the reverend John Chase, the present minister, and the congregation over which he officiates, belonging to the said meeting house, situate on the hereinbefore described lot of land, being of the description of christians called baptists, have nominated and appointed William Chipman, William H. Morse and Benjamin Fellows, three members of the said congregation, as trustees of the said meeting house, and the lands whereon the same stands and thereunto appertains, to whom by deed bearing date the eighteenth day of October, in the year of our Lord one thousand eight hundred and thirty-nine, John Crosskill, John Andrew Beecher and Charlotte Augusta his wife, and William James Morris and Francis Ann his wife, all of Halifax, in the county of Halifax, for and in consideration of the sum of ten pounds five shillings, of lawful money of Nova-Scotia, did grant, bargain, sell, enfeoff, release and confirm unto the said William Chipman, William H. Morse and Benjamin Fellows, and their successors, forever, a certain piece or parcel of land, situate, lying and being in the township of Granville, in the county of Annapolis, described as follows: beginning at the intersection of the east side line of lot number one hundred and thirty one with the southern side line of the main post road through said township, thence running westerly along the line of said road forty four feet to the east side line of lot number eleven, purchased by William Bent, thence running northerly along said division line at a right angle with the northern side line of the post road aforesaid till it intersects the eastern side line of lot number one hundred and thirty one aforesaid, thence down the line of said side line to the place of beginning, containing in all one thousand square feet, more or less, being lot number twelve in the plan of division of said lot number one hundred and thirty one, deposited in the office of the registry of deeds for the county of Annapolis by the heirs of the late Henry Crosskill, to have and to hold the said piece or parcel of land to the said trustees and their successors in office for the sole benefit and behoof of the baptist congregation of Bridgetown attending at the meeting house aforesaid forever.

Preamble.

And whereas, owing to certain informalities in the said deeds, inasmuch as the lands therein described are conveyed in and by the first deed, herein in part recited to the congregation and their successors, and in the second deed herein in part recited to the said William Chipman, William H. Morse and Benjamin Fellows, trustees as aforesaid, and their successors, and their sufficiency to pass the estate in the said lands to the said trustees is doubtful.

Trustees appointed.

1. *Be it therefore enacted, &c.*, That from and after the passing of this act, the said William Chipman, William H. Morse and Benjamin Fellows, and the survivors and survivor of them, and each and every of them, so long as they respectively continue members of the said society or congregation of people called baptists as aforesaid, at Bridgetown, and all and every person and persons who, at any time or times hereafter shall be chosen, upon any vacancy in the said trust as hereinafter mentioned, shall be and be

deemed to all intents and purposes the trustees of and for all and singular the hereinbefore described pieces of land, whereon the baptist meeting house at Bridgetown now stands, together with the said meeting house, now standing on the said premises, and all meeting houses and buildings which may hereafter be built thereon for the society or congregation, and shall have vested in them, in and to the said hereinbefore described lands, premises, meeting house and appurtenances, a good, sufficient and perfect legal estate, in fee, according to the spirit, true intent and meaning, of the said hereinbefore in part recited deeds, notwithstanding any informality therein, in trust for the benefit and purposes of the said society or congregation; and the said trustees and their successors in office, shall constitute and form a continuing trust of three members of the said church, to be chosen as hereinafter mentioned.

2. As any vacancy or vacancies in the said trust shall arise by death, resignation of office, or by any of the trustees ceasing to be members of the society, every such vacancy or vacancies shall be supplied by the choice of a new trustee or trustees, to be made by the surviving and continuing trustee or trustees, together with the minister and deacons of the said society or congregation for the time being, which said minister, in case of an equal division of votes among the said surviving trustee or trustees and deacons, shall have the casting vote in such choice of a succeeding trustee or trustees, and in case of the death or resignation of office, of all the said trustees, or in case of all the said trustees ceasing to be members of the said society or congregation, their places shall be supplied by new trustees to be chosen by the minister and deacons of the said society or congregation for the time being, which said minister, in case of an equal division among the said deacons shall have a casting vote, in the choice of such trustees; and when and so often as new trustees shall have been appointed under this act, the said continuing or surviving trustee or trustees, and the trustee or trustees so chosen under this act shall make, sign, seal and execute an instrument declaring such choice, which shall be a proof of such choice, and the acceptance of the office of trustee, which instrument shall be copied into a book to be kept for that purpose by the said society or congregation, which said instrument shall be in the form set forth in schedule A to this act annexed, and upon such execution of such instrument, and the entry thereof in the book as aforesaid, the trustee or trustees shall become a member or members of the trust as fully and effectually as if he or they were named in this act to that office.

Vacancies in trust
to be supplied.

3. Whenever, in the opinion of the said trustees, it shall be deemed expedient or necessary to repair, ornament, alter, enlarge, or make enclosures upon or around the said meeting house, it shall and may be lawful for the said trustees to call a meeting of the proprietors by putting up a written notice of the time and place of holding the same on the door of the said meeting house the Sunday previous to the intended meeting, and also by giving notice to the

Repairs of mee-
ting house, &c.

Notice.

Meeting.

Repairs, &c. to be made by tender.

Trustees to enter into contracts.

Notices of assessment.

If assessment be not paid pews may be leased.

congregation in the said meeting house during the time the said society or congregation shall be therein assembled for divine worship, and at such meeting the major part in number and interest of such proprietors then there assembled at such meeting shall have submitted to them a specification in writing of the extent and description of the repairs, ornaments, alterations, enlargements or enclosures to be made upon or around the said meeting house, and a majority of the signatures, in number and interest of such proprietors at such meeting, shall bind the whole: which specification, so signed by such majority of proprietors, shall be a sufficient warrant and authority for such trustees to proceed in such repairing, ornamenting, altering, enlarging and enclosures as aforesaid; and the said trustees shall forthwith ascertain and fix the amount of the expenses of such repairing, ornamenting, altering, enlarging and enclosing, to be made as aforesaid, by advertising for the lowest tenders in writing by the several mechanics and artisans who may be required to make, project, and erect the same—the lowest of which tenders shall fix and ascertain such amount; and such trustees shall cause such specification, and the signatures thereto, and such tenders, from the highest to the lowest, to be copied into the book kept for the purpose mentioned in the second section of this act.

4. Such trustees shall and may enter into contracts or agreements, upon such tenders made as aforesaid, for making such repairs, ornamentings, alterations, enlargements or enclosures upon or around the said meeting house, and the said lands whereon the same stands; and when and so soon as the expense of making any repairs, ornamentings, alterations, enlargements or enclosures upon or around the said meeting house shall have been ascertained, the said trustees shall apportion the same by a just and equal assessment, according to their discretion and the ability of the proprietor, on the several pews of the said meeting house and according to the relative size and value of the said pews, and such assessment shall be made in writing and be submitted to the inspection of any of the proprietors who may require to inspect and examine the same.

5. After such assessment shall have been made, due notice thereof shall be given by putting up and continuing a true and correct copy of such assessment on the door of the said meeting house for three successive Sundays, during which divine worship shall be held in such meeting house, and such assessment shall be copied into the book kept for the purpose in the second section of this act mentioned.

6. If after such public notice so given and continued of such assessment as aforesaid, any proprietor or proprietors shall refuse or neglect for the space of one month to pay the sum rated and assessed upon the pew or pews in or to which such proprietor or proprietors shall or may be interested or entitled, it shall and may be lawful for the said trustees, by notice given by putting up and continuing a written notice on the door of the said meeting house

two successive Sundays when divine worship shall be held therein, to advertize the said pew or pews, whereon such assessment shall remain unpaid, to be let, and to hire the same for such period of time as may be sufficient to raise the amount of the assessment remaining unpaid, not exceeding ten years, and that the notice of the letting the pew or pews on which such assessment shall be made, as well as the copy of the lease of such pew or pews, shall be copied into, and entries thereof made in the book kept for the purpose in the second section of this act mentioned.

7. The said trustees, together with the minister and deacons of the said society or congregation for the time being, which said minister shall have the casting vote in case of an equal division among the said trustees and deacons, shall appoint a fit and proper person to keep the book and make the entries therein, under and by virtue of this act, which said book and the entries therein so made as in and by this act is directed, shall be taken and received as evidence of the facts in such entries stated and set forth in all questions, suits, causes and actions which may arise or be prosecuted between the said trustees, and any person or persons whomsoever, touching or concerning their acts as such trustees, upon proof by such persons so making the said entry that the same was made by him under and by virtue of his office in pursuance of this act, or upon his death by proof of the handwriting of the deceased person so making the same as aforesaid.

Book to be kept.

8. If any trustees or lessees under this act shall be sued or prosecuted for anything done or to be done by them or any of them under this act, it shall be lawful for such trustees or lessees to plead the general issue, and to give this act, and also the entries in the book in this act mentioned, and the special matters touching and concerning the same, in evidence under such plea.

Trustees and lessees may plead the general issue.

9. All lessees, under the provisions of this act shall be deemed and taken to be the proprietor or proprietors in the said meeting house of, and for the several rights or pews respectively leased to such lessees, during such period of time as the said rights or pews may be or may have been severally let, and such lessees shall be, for such rights or pews respectively leased to them, entitled to all the privileges of proprietors of such meeting house.

Rights of lessees.

SCHEDULE A.

Know all men by these presents, that we [naming the continuing trustee or trustees] having met for the purpose of appointing a trustee [or trustees] in the room of [vacant trustee or trustees, deceased, resigned or otherwise] do choose and appoint [name] and the said [trustee or trustees chosen] having accepted the said office, as by his hand and seal hereto set is testified: We [the continuing trustee or trustees] do choose and appoint him [or them] the said [name or names] so long as he shall continue to be eligible to fill the same according to the foregoing act, to be a trustee

[or trustees] under the said act to act in conjunction with the other trustee [or trustees] for the time being, and to fulfil and discharge all the duties which in and by the said act are to be discharged and fulfilled by the said trustees according to the said act.

In witness whereof we, the said newly elected trustee, and the continuing trustee [or trustees] have hereunto set our hands and seals the — day of — in the year of our Lord one thousand eight hundred and forty

Signed, sealed and delivered }
in presence of }

- 7 Vic., chap. 8. AN ACT TO AMEND THE ACT TO AUTHORIZE THE CONGREGATION OF THE BAPTIST MEETING HOUSE AT BRIDGETOWN, TO RAISE MONEY FROM THE PEWS OF THE SAID MEETING HOUSE FOR THE REPAIRING, ORNAMENTS, ALTERING OR ENLARGING THE SAME, AND FOR RATIFYING THE APPOINTMENT AND DEFINING THE DUTIES OF THE TRUSTEES OF THE SAID MEETING HOUSE.

Passed 29th March, 1844.

Nothing in the act hereby amended to affect any right of her majesty, &c.

Be it enacted, &c., That no matter or thing contained in an act passed in the last session of general assembly, entitled, an act to authorize the congregation of the baptist meeting house at Bridgetown to raise money from the pews of the said meeting house for the repairing, ornamenting, altering or enlarging the same, and for ratifying the appointment and defining the duties of the trustees of the said meeting house, shall extend or be construed to extend to affect, alter, limit or defeat any right of her majesty, her heirs or successors, or any right, title or interest of any body or bodies, politic or corporate, or any person or persons, save and except such only as are mentioned in the said act, and those claiming from, by or under them, or any or either of them.

- 7 Vic., chap. 6. AN ACT TO AUTHORIZE THE CONGREGATION OF THE BAPTIST CHURCH AT CANARD, IN CORNWALLIS, TO APPOINT TRUSTEES TO TAKE CHARGE OF THE SAID CHURCH, AND CEMETERY ADJOINING THE SAME, AND TO ENCLOSE AND ORNAMENT THE SAME.

Passed 29th March, 1844.

Trustees to be appointed to take charge of the church and burying ground.

1. *Be it enacted, &c.,* That, from time to time, and at any time after the passing of this act, it shall and may be lawful for the baptist church or congregation in Cornwallis, assembling in the

house of worship in which the reverend Edward Manning at present officiates, at any public meeting of said congregation, whereof due notice shall have been given to such congregation in the aforesaid house of worship, during the time that the said house shall be open for divine service on the two Sundays previous to such meeting, to nominate and appoint, by vote of the majority of the said congregation present at such meeting, three fit and proper persons as trustees to take charge of the said house of worship, and of the adjoining cemetery, called the Canard burial ground.

2. It shall and may be lawful for the said congregation, upon due notice being given as aforesaid, whenever they may think it necessary at any public meeting so called as aforesaid, to fill up any vacancy that may have been made in said trust, by death, resignation, or otherwise, or may, if they think proper, remove any one or more of said trustees from the office of said trust, and appoint others in their place, and the same power and authority of the former trustees shall vest in the succeeding trustee or trustees for all purposes intended by this act.

Vacancies to be filled up.

3. The said trustees shall be, and they are hereby respectively authorized to take charge of the said house of worship, and that they shall and may have full power and authority to enclose a certain part or portion of the public parade ground adjoining said meeting house, and protect and enclose said house of worship by erecting a fence or wall around the same—the said fence or wall not to extend further than two rods from the aforesaid house of worship.

The trustees to take charge of the church, and to enclose a piece of the parade ground.

4. Such trustees shall have full power and authority to build up and keep in repair the walls or fences so enclosing said house of worship, and to plant such ornamental trees around the said house of worship and within such enclosure as they may think proper.

Trustees to keep up fences, &c.

5. Such trustees shall be, and they are hereby respectively authorized in their name of office, to sue and be sued, and to have, commence, and prosecute and defend, or cause to be commenced, prosecuted and defended, any act, suit or prosecution, either at law or in equity, as may be necessary; and shall and may sue and prosecute for any act of trespass that may be committed upon the premises, in the same way and manner as trespasses of the like nature are prosecuted for in ordinary cases.

Trustees to sue, &c.

And whereas the land hereby authorized to be enclosed is a part of the public parade ground, in Canard aforesaid:

Preamble.

6. The said trustees and their successors in office, shall, when thereunto lawfully required by the supervisors of public grounds in Cornwallis, procure, by rent or otherwise, as much land adjoining said parade ground as shall render the parade equally as commodious for all public purposes as before such enclosure was made; and the purchase money or rent for such purposes required, the said trustees are hereby authorized and empowered to draw from the funds of said congregation.

Trustees to procure land in lieu of that taken from the parade ground.

7. The said trustees shall be, and they are hereby authorized

Trustees to have charge of the

cemetery and
make regulations.

The right of the
public not to be
affected.

Nothing in this
act to affect the
rights of her ma-
jesty, &c.

and empowered to take charge of the cemetery called the Canard burying ground, thereunto adjoining, and to enclose, protect and ornament the same, and to make such rules and regulations respecting the same as they think proper, but which are not to be acted upon and enforced without the approbation and concurrence of the general sessions of the peace for the county of King's county.

8. Nothing in this act contained shall extend or be construed to extend to prevent the deceased of every denomination of christians and others being interred in the said cemetery or burying ground; and that all the rights and privileges that have been heretofore enjoyed by the public in the said cemetery for sepulchral purposes, shall remain and continue as if this act had not been passed.

9. Nothing in this act contained shall extend or be construed to extend to prejudice, or in any manner affect the rights of her majesty, her heirs and successors, or of all or any person or persons, bodies politic or corporate, his, her and their respective heirs, successors, executors, administrators and assigns.

9 Vic., chap. 32. AN ACT TO INCORPORATE THE TRUSTEES OF SAINT MATTHEW'S CHURCH IN HALIFAX.

Passed 20th March, 1846.

Preamble.

Whereas the circumstances and situation of the congregation and property of saint Matthew's church, in Halifax, render it necessary to provide for the appointment and incorporation of trustees, in and to whom the care, custody, control, management and title of such property can and may be more efficiently and advantageously committed and vested :

Present commit-
tee to be a body,
politic and corpo-
rate.

1. *Be it enacted, &c.*, That the present committee of management in the said church, that is to say:—Thomas Williamson, William Young, Robert Noble, William Murdoch, John Esson, Archibald Sinclair and Robert M. Brown, and their respective successors in office, to be elected annually as hereinafter mentioned, shall be, and are hereby declared the trustees of the said church, and shall be, and are hereby declared to be a body, politic and corporate, in deed and in name, and shall have succession forever, by the name of "the trustees of saint Matthew's church in Halifax;" and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, and prefer and prosecute any bill or bills of indictment, or information or informations whatsoever, in any court or courts or places whatsoever in this province, and shall have full power and capacity to purchase, receive, take,

have, hold, possess and enjoy, for the use and benefit of the said church, as well goods and chattels as lands, tenements and hereditaments, and improve and use the same for the benefit of the said church, according to their best discretion, and the true intent and meaning of the donors by whom the same shall or may be given, devised or bequeathed to the use and benefit of the said church.

2. Annually on the tenth day of June, unless such day shall happen on Sunday, and then and in such case on the day following, at a general meeting of the congregation of such church, seven persons being registered pewholders of and in such church, and respectively holding at least one half of a pew in the same, shall be elected as such trustees, in the same manner as is prescribed and directed by the rules and regulations made and now in force for the government of the said congregation, with respect to the election of the committee of such church, or in such manner as by any rules or regulations hereafter to be in force as hereinafter mentioned may be prescribed and directed, so as the number of trustees to be so elected shall always consist of seven persons being such pewholders.

Trustees to be elected annually.

3. Annually on the day aforesaid, at such general meeting as aforesaid, it shall and may be lawful for the said congregation to make, and from time to time to alter, change, abrogate, annul, revoke and make anew such rules and regulations for the calling and holding of meetings of the congregation, for defining the qualification of voters, and the conduct of business at such meetings, for the appointment of officers, for the sale and letting of pews, the recovery, disposal and application of pew rents, and other monies and funds of the said church, the leasing, mortgaging and disposal of the goods, chattels, lands, tenements and hereditaments, or any of them or any part thereof belonging to the said congregation, and which may from time to time be held by the said trustees hereby incorporated for the use and benefit of the said church, for the call, selecting and supporting of the minister of such church, regulating the contract with such minister, and the annulling thereof, and for dissolving the connection between the minister and congregation, and generally for the good order, due care and conduct of the said congregation, its affairs and business, as to the said congregation may seem meet and proper.

Proceedings at annual meeting.

4. Until the same shall be altered, annulled, revoked or made anew, in such manner as is therein and thereby directed, the rules and regulations passed at a meeting of the said congregation held on the tenth day of March, in the year of our Lord one thousand eight hundred and forty-three, and signed by Robert Hume as moderator, and by the then committee of management, and by a majority of the pewholders of and in such church, shall continue and be the rules and regulations of such congregation.

Proviso.

5. The general meeting of the said congregation to be held annually in June as hereinbefore directed, shall be called and held in the said church, at some hour of the day hereby appointed for said meeting, not earlier than ten o'clock in the forenoon, nor later than

Hour of holding annual meeting, and notice thereof.

one o'clock in the afternoon, and that notice for such meeting shall be given in the manner now or hereafter to be prescribed and directed in and by the rules and regulations of the said congregation now or from time to time to be in force.

Notice of alterations or new regulations.

6. Whenever any alteration or revocation of a rule or regulation, or any new rule or regulation shall or may be proposed, or intended to be offered for the consideration of the said annual meeting of the said congregation, then, and in every such case, in addition to the notice of such meeting, which is or may be so directed to be given, in and by such rules or regulations, a printed notice of the purport and substance of the proposed alteration or revocation of any then existing rule or regulation, or of the proposed new rule or regulation, shall be deposited, placed and left, previous to the commencement of morning service in said church, on the Sunday immediately preceding the day of such meeting, in every pew in the said church, and a declaration to be entered by such meeting on their minutes of such printed notices having been so deposited, placed and left as aforesaid, shall be held and taken to be conclusive evidence of the fact, for all purposes whatsoever.

Real estate vested in trustees.

7. All those lots or parcels of land whereon the said church of saint Matthew's is now erected and built, as the same are now occupied held, possessed and used with the said church situate in Halifax aforesaid, bounded in front eastwardly by Hollis street, and on the north by Prince street, together with all and singular the appurtenances thereof; as also all that lot, piece or parcel of land, situate at the corner of Barrington or Pleasant street, and Bishop street, conveyed by Lewis Johnston, and Mary Anne, his wife, to the honorable Michael Wallace, James Fullarton and Thomas Wallace, by deed, dated on the fifteenth day of July, one thousand eight hundred and twenty-eight, with all the buildings and appurtenances of the same, and all other lands and tenements or hereditaments, in which the said church or congregation thereof may be interested, howsoever and in whomsoever the legal title of the said church, and the said pieces or parcels of land, or the said tenements or hereditaments, may be now vested, shall be and the same are hereby declared to be vested in the said trustees of saint Matthew's church, in Halifax, and their successors and assigns, and shall be so held and deemed, and adjudged to be so held, by and in all courts whatsoever, saving, however, to all tenants, purchasers, lessees or occupiers of the pews of the said church respectively, and to all tenants and occupiers of the said several lots, pieces, or parcels of land, or any part or portion thereof, their present respective legal rights of, in, and to the same.

Recovery of pew rents, &c.

8. All pew rents, or other monies whatsoever, now or hereafter to be due, owing, coming or in arrear, to or for the use and benefit of the said church or congregation, shall be and become due and payable to the said trustees of saint Matthew's church in Halifax, hereby incorporated, and their successors, and shall be secured, sued for, and recovered by them in their corporate name and capa-

city, for the use and benefit of the said church or congregation, in the same manner and by the same means as debts of the like amount may or can be sued for and recovered: provided always, that no pew rents now in arrear, shall be claimed or recoverable from any person but such as now hold pews in the said church.

Proviso.

9. The said trustees hereby incorporated, and their successors in office, or any five of them, shall and may from time to time, and at all times hereafter, mortgage, lease and apply, and they, or any five of them, are hereby fully authorized and empowered so to do, all or any lands, tenements or hereditaments, goods, chattels, monies or effects, of the said church, held or to be held by the said trustees, or their successors, for the use and benefit of the said church, in such manner, and to and for such purposes as by the said congregation by any rule or regulation made, or to be made as hereinbefore mentioned, or by any resolution or resolutions passed at any meeting of the said congregation, to be called and held in conformity with any such rules and regulations as are now or may be hereafter in force for the government of the said congregation, may be ordered and directed.

Trustees authorized to mortgage lease, &c.

10. Whenever any mortgage of such real estate, lands, tenements or hereditaments shall be intended to be proposed to any meeting of the said congregation, in addition to the notices required to be given of such meeting by the rules or regulations of the said congregation then in force, a printed notice of the said intended mortgage shall be deposited, left, and placed in every pew of the said church, on the Sunday immediately previous to such meeting before the commencement of morning service as hereinbefore directed in respect to the rules and regulations of said congregation, and a declaration of such notices having been so deposited, left and placed, entered on the minutes of said meeting, shall be conclusive evidence of the fact for all purposes whatsoever.

Proviso.

11. No lease or leases of any lands, tenements or hereditaments to be made by the said trustees, under or by virtue of this act, shall be valid, legal or binding, for any greater term than five years.

Proviso.

AN ACT TO AMEND THE ACT TO INCORPORATE THE TRUSTEES OF
SAINT MATTHEW'S CHURCH IN HALIFAX.

10 Vic., chap. 63.

Passed 17th March, 1847.

1. *Be it enacted, &c.*, That nothing contained in an act passed in the last session of the general assembly, entitled, an act to incorporate the trustees of saint Matthew's church in Halifax,

Act of last session only to affect persons mentioned therein.

shall extend, or be construed to extend, to affect, alter, remit or defeat, any right of her majesty, her heirs or successors, or any right, title or interest of any body politic or corporate, or any person, save and except such only as are mentioned in the said act and those claiming from, by or under them, or any of them.

9 Vic., chap. 48. AN ACT TO VEST IN TRUSTEES CERTAIN LANDS AND REAL ESTATE OF THE PRESBYTERIAN CONGREGATION ASSEMBLING IN THE TOWN OF PICTOU, IN THE CHURCH IN WHICH THE REVEREND JOHN MCKINLAY NOW OFFICIATES, AND TO EMPOWER THE SAID CONGREGATION TO APPOINT TRUSTEES FOR THAT AND OTHER PURPOSES.

Passed 20th March, 1846.

Preamble.

Whereas, a part of the lands now in possession of the presbyterian congregation in the town of Pictou, in the county of Pictou, who assemble in the house of Divine worship situate therein, in which the reverend John McKinlay at present officiates, was purchased by the original proprietors of the said church from one Samuel Copeland, yeoman, of Pictou aforesaid, since deceased, and was by him conveyed by deed, bearing date the ninth day of August, in the year of our Lord one thousand eight hundred and four, to Hugh Denoon, John Dawson, Edward Mortimer, Robert Lowden and Robert Pagan, five justices of the peace for the county of Halifax, esquires, and John Patterson, senior, and John Fraser, two elders of the church, and their successors in office, in trust for the proprietors of the said church, and the said original trustees are all since dead, leaving no successors in office, or other persons representing them, or any of them, who in law can either claim or make title to the same land and premises: and whereas, other parts and portions of the lands now in the possession of the said congregation have been deeded, by the assent of the said congregation, to the said reverend John McKinlay, their minister, to be held by him and his heirs, in trust for the use and benefit of the said congregation: and whereas, the said congregation propose to build and erect a new house for Divine worship, on or near the site of the one now occupied by them, to which purpose it is requisite to procure some additional land: and whereas, the said congregation are desirous of securing and vesting the title to said lands, and such other lands as they may hereafter purchase, in certain trustees, to be appointed by, and subject to, the control of the said congregation as herein-after mentioned. Now in order to effect this object, and to enable

the said congregation to purchase, hold, dispose of and convey lands, tenements and hereditaments, and to have the use and management thereof:

1. *Be it enacted, &c.*, That from time to time, and at any time after the passing of this act, it shall and may be lawful for the said presbyterian church or congregation in Pictou, assembling in the house of worship in which the said reverend John McKinlay now officiates, at any public meeting of the said congregation of the time, place and purpose whereof, due notice shall have been given to such congregation in their house of worship, during the time the said house shall be open for divine service, on the two Sundays next previous to such meeting, by a vote of the majority of the pew holders of the said congregation present at such meeting, to nominate and appoint three fit and proper persons as trustees of and for the said congregation, to take charge of the lands and buildings thereon now belonging to the said congregation, under and by virtue of the said in part recited deeds of conveyance, or which may hereafter be purchased by and erected for the said congregation, and also for such other purposes as are hereinafter specified: provided always, that nothing in this act contained shall affect or prejudice the rights, if any such there be, of any other persons not mentioned herein, their heirs or assigns, in and to the aforesaid lands and premises, now in the possession of the said congregation.

Appointment of trustees of presbyterian church at Pictou, &c.

Proviso.

2. It shall and may be lawful for the said congregation, upon due notice being given as aforesaid, whenever they may think it necessary at any public meeting so called aforesaid, to fill up any vacancy that may have been made in the said trust, by death, resignation or otherwise, or if they may think proper to remove any one or more of the said trustees from the office of said trust, and appoint another or others in his or their place or places, and the same power and authority of the former trustee or trustees shall vest in the succeeding trustee or trustees, without any assignment or conveyance, for all purposes whatsoever mentioned in this act; and that at every public meeting for the purposes of this act, some fit person shall be chosen chairman, and some other fit person as clerk, and that all proceedings thereat shall be duly entered in the books of the congregation, for that purpose to be provided, and the entries respectively shall be signed by the person presiding, and by the clerk of the meeting, and proof of such entry so signed, shall be deemed sufficient evidence of such proceedings, and of the regularity thereof respectively.

Filling up of vacancies in trustees, &c.

3. For the purposes of this act, the said trustees when so nominated and appointed, and their successors in office, in all cases where necessary so to do, shall be named and styled "the trustees of the prince street church, Pictou."

Name of trustees.

4. By a vote and direction of the majority of the said congregation present at any lawful meeting thereof called upon due notice as aforesaid, the said trustees for the time being shall, and

Proceedings at meeting, &c.

they are hereby required and empowered, to purchase, take, have, hold and possess any lands, hereditaments or real estate, which a majority of the said congregation present at any such meeting shall, by vote, think proper to purchase, and shall in any way provide the funds to pay for, and shall also grant, sell, lease, mortgage, or convey to such person or persons, and for such price, sums, rents or terms, as by the majority of the said congregation present at any such meeting, shall be agreed on, any lands, hereditaments or real estate, belonging to the said congregation, which a majority of the said congregation present at such meeting, shall think proper to sell, lease, mortgage, or dispose of; and every deed, lease, mortgage, or conveyance of any such property executed to or by the said trustees for the time being, shall be sufficient and valid in law, to vest all the title of the vendor or vendors in all such lands, hereditaments, and real estate so purchased, in the said trustees for the time being, and their successors in office, or to convey to the grantees, lessees, mortgagees, or purchasers thereof respectively, either in perpetuity, pledge, or for a term of years or otherwise, as the case may be, all such estate, title, interest, and property therein, as the said congregation or the trustees thereof for the time being, and their successors in office, have had, held, or were entitled to, in, to, or out of such real estate, lands and hereditaments, sold, leased, mortgaged or disposed of, or as the said congregation designed by such deed, lease, mortgage or conveyance, to vest in the grantees, lessees, mortgagees or purchasers, named therein.

Actions brought
by or against con-
gregation, &c.

5. The said trustees and their successors in office shall, and they are hereby respectively authorized, in their name of office aforesaid, to bring or defend, or cause to be brought or defended, any action, suit or prosecution at law or in equity, touching or concerning any lands, real estate or hereditaments, of or belonging to the said presbyterian congregation, held or to be held under this act; and such trustees and their successors in office shall and may in any such action, suit or prosecution, sue and be sued, implead and be impleaded as trustees, under their designation of office aforesaid; and no such suit, action or prosecution, shall abate or be discontinued, by the death, resignation or removal from office, of any or all of such trustees, but the same shall and may be proceeded in, or defended, by the succeeding trustees respectively, any law, usage, or custom to the contrary notwithstanding; and the trustees for the time being shall pay or receive the like monies, costs and expenses, as if the action or suit had been commenced or prosecuted by such trustees as shall be in office at the time of the award and adjudication thereof, and such receipts and payments shall be held to have been received and made for and on account of the said presbyterian congregation, and by the said trustees, shall be accounted for to the said congregation; and all such sum or sums of money as the said trustees shall for any purpose be lawfully required to pay for the said congregation over and above what may be by them received, shall be reimbursed to them from the funds thereof.

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6. All lands, hereditaments and real estate, which were or are held in trust for the use of the said presbyterian congregation by the said Hugh Denoon, John Dawson, Edward Mortimer, Robert Lowden, Robert Pagan, John Patterson, senior, and John Fraser, deceased, and by the said reverend John McKinlay, and their and his heirs and successors in office, shall, after the passing of this act, absolutely vest in, and become the estate and property of the said presbyterian congregation as originally intended, as fully and effectually as if the said Hugh Denoon, John Dawson, Edward Mortimer, Robert Lowden, Robert Pagan, John Patterson, senior, and John Fraser, deceased, or their heirs or successors, and the said reverend John McKinlay or his heirs, had legally conveyed the same by deed or deeds to the said congregation, and that the same lands, hereditaments and real estate, together with all such other lands, hereditaments and real estate, as shall hereafter be purchased by and become the estate and property of the said congregation, under the provisions of this act; and also all houses and buildings now or hereafter to be built thereon, shall for all purposes whatsoever, within the meaning and intention of this act, be and be held, taken and deemed to be in the possession of the said trustees and their successors in office, and be by them held to and for the use and uses of the said congregation, to be by the said congregation enjoyed, used, occupied and disposed of in such way and manner, and to and for such purposes as the said congregation at any such lawful public meeting so called as aforesaid, shall by a vote of a majority thereof present at any such meeting, from time to time, order, limit, appoint or direct: provided always, that nothing in this act contained shall affect or prejudice the rights, if any such there be, of any other persons not mentioned herein, their heirs or assigns, in or to the aforesaid lands and premises, now in the possession of the said congregation.

Real estate, &c.
held in trust for
congregation to be
held by justices.

Proviso.

7. At the meetings of the said congregation for the purposes of this act, no pewholder shall be entitled to vote who at the time of such meeting shall owe more than twelve months' arrears of pew rent.

Arrear of pew
rent.

AN ACT TO AUTHORIZE THE APPOINTMENT OF TRUSTEES OF THE PRESBYTERIAN CHURCH AT TATAMAGOUCHE. 10 Vic., chap. 37.

Passed 17th March, 1847.

1. *Be it enacted, &c.*, That from time to time, and at any time after the passing of this act, it shall and may be lawful for the presbyterian congregation at Tatamagouche, in the county of Colchester, assembling in the house of worship in which the reverend

Appointment of
trustees of church
at Tatamagouche.

Robert Blackwood now officiating, at any public meeting of said congregation, whereof said house shall have been given to such congregation in the aforesaid house of worship, during the time that the said house of worship shall be open for divine service, on the two Sundays previous to such meeting, to nominate and appoint by vote of a majority of the congregation present at such meeting, three fit and proper persons as trustees, to take charge of the house of worship, and of the adjoining cemetery, called the Tatamagouche burial ground. whose name of office shall be "the trustees of the presbyterian church at Tatamagouche."

Filling up vacancies.

2. It shall and may be lawful for the said congregation, upon due notice being given, as aforesaid, whenever they may think it necessary, at any public meeting so called, as aforesaid, to fill up any vacancy that may have been made in said trust, by death, resignation or otherwise, or, if they think proper, to remove any one or more of said trustees from the office of said trust, and appoint others in their place; and the same power and authority of the former trustees shall vest in the succeeding trustees, for all purposes intended by this act.

Power of trustees.

3. Such trustees shall have full power and authority to build up and keep in repair the walls or fences so enclosing said house of worship, and to plant such ornamental trees around said house of worship, and within such enclosure as they may think proper.

Rights and liabilities of trustees.

4. Such trustees shall be, and they are hereby respectively authorized in their name of office, to sue and be sued, and to have and commence, and prosecute, and defend, or cause to be commenced, prosecuted and defended, any action, suit, or prosecution, either at law or in equity, as may be necessary; and shall and may sue and prosecute for any act of trespass that may be committed upon the premises, in the same way and manner as trespasses of the like nature are prosecuted for in ordinary cases.

Preamble.

And whereas, the land hereby authorized to be enclosed is a lot containing one and a half acre, granted by Augustus Wallet Des-Barres, esquire, to the said Tatamagouche congregation, for the purpose of erecting a house of worship thereon, and to be used as a burial ground, and known as the Tatamagouche church lot:

Trustees to take charge of cemetery, &c.

5. The said trustees shall be, and they are hereby authorized and empowered, to take charge of the said cemetery or burial ground, and to enclose, protect and ornament the same, and to make such rules and regulations respecting the same, as they may think proper.

Limitation of act.

6. Nothing in this act contained shall extend, or be construed to extend, to prevent the deceased of every denomination of christians, and others, being interred in the said cemetery or burial ground; and that all the rights and privileges which have been heretofore enjoyed by the public for sepulchral purposes, shall remain and continue as if this act had not been passed.

Proviso.

7. Nothing in this act contained shall extend, or be construed to extend, to prejudice or in any manner affect, the rights of

her majesty, her heirs and successors, or of any persons, bodies, politic or corporate, their respective heirs, successors, executors, administrators and assigns.

AN ACT TO EMPOWER THE PRESBYTERIAN CONGREGATION AT RIVER JOHN, IN THE COUNTY OF PICTOU, TO APPOINT TRUSTEES FOR THE PURPOSE OF HOLDING LANDS FOR THE USE OF THE SAID CONGREGATION. 11 Vic., chap. 43.

Passed 11th April, 1848.

Whereas the presbyterian congregation at River John, in the county of Pictou, holding communion with 'the presbyterian church of Nova-Scotia,' and being in ecclesiastical connection therewith, have erected a house for divine worship at River John aforesaid, designated and known as the 'Belle-vue church,' and in which the reverend James Waddell at present officiates, on a certain piece of land there situate, belonging to William Matheson, esquire, he having given his assent thereto in and by a certain instrument in writing, bearing date the tenth day of July, one thousand eight hundred and thirty-four; and whereas the said instrument does not transfer and assure the title of the said piece of land for the use of the said congregation in as full and ample a manner as intended by the said William Matheson; and the said William Matheson is now willing to dedicate and convey for the use of the said congregation, as well the said piece of land whereon the said house of worship has been erected, as also another valuable piece of land situate near the same, to trustees appointed by such congregation; and whereas the said congregation are desirous of securing and vesting the title thereof, and also the title of such other lands, tenements and hereditaments as they may hereafter purchase or be entitled unto, in certain trustees to be appointed by, and subject to the control of the said congregation as hereinafter provided: now, therefore, in order to effect said objects:

1. *Be it enacted, &c.*, That it shall be lawful for the said presbyterian congregation, at any public meeting of the said congregation to be held in said building erected as aforesaid, or at a convenient place in the vicinity, to be appointed for such purpose, and of the time, place and purpose whereof, due notice shall have been given to such congregation in their house of worship during the time the same shall be open for divine service, on the two Sundays next previous to such meeting, by a vote of the majority of the pew holders of the said congregation present at such meeting, to nominate and appoint fit and proper persons, not exceeding five

Pew holders to nominate five trustees of lands, &c., of congregation.

Proviso.

Supply of vacancies, removal of trustees, election of chairman, clerk, &c. &c.

Name of trustees.

Duties, powers of trustees, &c. &c.

in number, to take charge of and hold in possession the lands and buildings now belonging to the said congregation, or which may hereafter be given, granted or bequeathed to, or purchased by or erected for the said congregation, and also for such other purposes as are hereinafter specified: provided always that three of said trustees shall form a quorum, and that nothing in this act contained shall affect or prejudice the rights, if any such there be, of any person not herein mentioned, their heirs or assigns, in and to the lands and premises now in the possession of the said congregation.

2. It shall be lawful for the said congregation, whenever they may think it necessary, at any public meeting called and conducted as herein prescribed, to fill up any vacancy that may have been made in the said trust, by death resignation or otherwise, or if they think proper to remove any one or more of the said trustees from the office of the said trust, and appoint others in their place, and the same power of the former trustees shall vest in the succeeding trustees without any assignment or conveyance, for all purposes whatsoever mentioned in this act; and at every public meeting held for the purposes of this act, some fit person shall be chosen chairman, and some fit person as clerk, and all proceedings thereat shall be duly entered in the books of the congregation for that purpose to be provided; and the entries respectively shall be signed by the person presiding as chairman, and by the clerk of the meeting, and proof of such entry so signed shall be deemed sufficient evidence in all courts and places whatsoever of such proceedings, and of the regularity thereof respectively.

3. For the purposes of this act, the said trustees when so nominated and appointed, and their successors in office, in all cases where necessary so to do, shall be named and styled "the trustees of Belle-vue church at River John."

4. By a vote and direction of the majority of the said congregation present, at any lawful meeting thereof, called and conducted in manner aforesaid, the said trustees and their successors in office shall, and they are hereby required and empowered in and by their name of office as aforesaid, to purchase, take, have, hold and possess any lands, hereditaments or real estate, which a majority of the said congregation present at any such meeting shall, by vote, think proper to purchase or accept, and shall in any way provide the funds to pay for; and shall also grant, sell, lease, mortgage or convey, to such persons, and for such prices, sums, rents and for such terms of years or absolutely, as by a majority of the said congregation present at any such meeting, shall be agreed on, any lands, hereditaments or real estate now or hereafter belonging to the said congregation, which a majority of the said congregation present at any such meeting, shall think proper to sell, lease, mortgage or dispose of; and every deed, lease, mortgage or other conveyance of any such property, executed to or by such trustees for the time being, shall be sufficient and valid in law, to vest all the estate and title of the vendors, in, to, or out of, all such

lands, hereditaments and real estate, so purchased or accepted in the said trustees for the time being, and their successors in office, or to convey to the grantees, lessees, mortgagees, or purchasers thereof, respectively, either in perpetuity, pledge, or for a term of years, or otherwise as the case may be, all such estate, title, interest and property, therein, as the said congregation, or the trustees thereof for the time being, and their successors in office, have had, held, or were entitled to, in, to, or out of such lands, hereditaments, and real estate, so sold, leased, mortgaged or disposed of, or as the said congregation designed by such deed, lease, mortgage, or conveyance, to vest in the grantees, lessees, mortgagees or purchasers named therein.

5. The said trustees, and their successors in office shall, and they are hereby respectively authorised, in their name of office aforesaid, to bring or defend, or cause to be brought or defended, any action, suit, or prosecution, at law or in equity, touching or concerning any lands, hereditaments or real estate of, or belonging to, the said congregation, held or to be held under this act; and such trustees and their successors in office shall, in any such action, suit, or prosecution, sue and be sued, implead and be impleaded, defend and be defended, as trustees, under their name and designation of office aforesaid, and no such suit, action or prosecution, shall abate or be discontinued by the death, resignation or removal from office, of any or all such trustees, but the same shall be proceeded in, or defended by or against the succeeding trustees—any law, usage or custom, to the contrary notwithstanding; and the trustees for the time being shall pay or receive the like monies, costs and expenses, as if the action or suit had been commenced, prosecuted or defended by such trustees, as shall be in office at the time of the award, settlement or final adjudication thereof; and such receipts and payments shall be held to have been received and made for, and on account of, the said congregation, and by the said trustees shall be accounted for to them; and all such sums of money as the said trustees shall, for any purpose, be lawfully required to pay for the said congregation, over and above what may be by them received for the use thereof, shall be reimbursed to them from the funds of the said congregation.

Trustees to bring or defend a suit, &c.

6. When and so soon as the said congregation shall have nominated and appointed trustees, under the provisions of this act, the possession of all lands, hereditaments and real estate, wherever the same may be situate, which shall then belong to the congregation, or be held by any person for the use thereof, shall, by virtue hereof, be transferred to and held to be in the said trustees, and that the same lands, hereditaments and real estate, together with all such other lands, hereditaments and real estate, as shall be purchased by, or become the estate and property of the said congregation, under the provisions of this act, and also, all houses and buildings now or hereafter to be built thereon, or any part thereof, shall for all purposes whatsoever, within the meaning and intention

On nomination of trustees, real estate to be transferred to them, &c. &c.

of this act, be held, deemed, and taken to be in the possession of the said trustees and their successors in office, and by them to be held to and for the use of the said congregation, to be by the said congregation enjoyed, used, occupied, and disposed of, in such way or manner, and to and for such purposes, as the said congregation at any lawful public meeting, called and conducted in manner aforesaid, shall, by a vote of the majority thereof present at any such meeting, from time to time order, limit or direct.

Qualification of voters.

7. At the meetings of the said congregation for the purposes of this act, no person shall be entitled to vote who is not at the time of such meetings a pew holder, nor shall any such pew holder be entitled to vote who is in arrears for pew rent, or his stipulated share of minister's stipend, for more than twelve months next before the time of any such meeting.

13 Vic., chap. 31.

AN ACT TO INCORPORATE THE ROMAN CATHOLIC BISHOP IN HALIFAX.

Passed 31st March, 1849.

Preamble.

Whereas it is deemed just and expedient to incorporate the right reverend William Walsh, Roman catholic bishop in Halifax, in the province of Nova-Scotia, for the purpose of enabling him and his successors to hold and acquire real estate in the city and county of Halifax, in this province, for religious purposes :

The Roman catholic episcopal corporation of the city and county of Halifax incorporated.

1. *Be it therefore enacted, &c.,* That from and after the passing of this act, the right revd. William Walsh, and his successor and successors, being the Roman catholic bishop of the diocese of Halifax, Nova Scotia, in communion with the church of Rome, and being British born subjects or duly naturalized, shall be and he is hereby declared to be a body corporate within that part of his diocese called the county of Halifax, in deed and in name, and that the said right reverend William Walsh, and his successor and successors for the time being, by the name of "the Roman catholic episcopal corporation of the city and county of Halifax," shall by the same name have perpetual succession and a common seal, and shall have power from time to time, by and with the advice of his vicar general, and a Roman catholic clergyman of the diocese aforesaid, or of any two clergymen of the said diocese for the time being, as hereinafter mentioned, to alter or renew, or change such common seal at pleasure, and shall by the name as aforesaid, from time to time, and at all times hereafter, be able and capable in law, to have, hold, purchase, acquire, possess and enjoy for the general use or uses, eleemosinary, ecclesiastical or educational, of the said Roman

Powers and privileges.

catholic church in his diocese, or of the religious community, or of any portion of the same community within his diocese, any lands, tenements or hereditaments within the county of Halifax; and the same real estate or any part thereof for the purposes aforesaid, from time to time, by and with the advice and consent hereinafter mentioned, to let or demise by indenture, under the seal of the said corporation, for any period not exceeding twenty-one years from the day of the making thereof: provided that upon any such lease the rent shall be reserved and payable to the said corporation yearly and every year during the continuance of the said lease, and that no such lease shall be made without impeachment of waste, and that no fine or sum in gross shall, under any pretence whatsoever, be taken for the same beyond such yearly rent so reserved as aforesaid, otherwise the said lease shall be utterly null and void; and by the same name respectively the said Roman catholic bishop and his successor and successors, shall and may be capable in law to sue and be sued, implead and be impleaded, answer and be answered, in all courts of law and equity and places whatsoever, in as large, ample and beneficial a manner as any other body corporate, or as any other person may or can in law or equity sue and be sued, implead or be impleaded, answer and be answered unto in any manner whatsoever, provided always that the lands and premises so to be holden by the said corporation shall not at any time exceed the annual value of seven hundred pounds within the county of Halifax; and provided further, that the rents and profits arising from any such lands and premises shall be applied for the use and purposes of the church or churches, or of religious or educational institutions connected with the church of Rome, within the said county.

Proviso.

Proviso.

2. It shall be lawful for any person or persons in whom or in whose name or names any lands, tenements or hereditaments, situate, lying and being in the county of Halifax, are now or shall or may be hereafter vested in trust or otherwise for the benefit of the said Roman catholic church or Roman catholic institutions of the said city and county of Halifax, from time to time to convey, assign or transfer by deed, under his hand and seal, or their hands and seals, in the usual legal way, all or any of the said lands, tenements or hereditaments unto the Roman catholic bishop, for the time being, of the said diocese, and by his corporate name aforesaid, to be holden by the said bishop and his successor and successors in his said corporate name aforesaid, for the purposes aforesaid, as provided by this act.

Conveyance by trustees of church lands, &c., to bishop for church purposes.

3. It shall not be lawful for the said bishop, or for his successor or successors for the time being, to make or execute any indenture of lease as aforesaid of the lands, tenements or hereditaments acquired or held, or to be hereafter acquired by him, under or by virtue of this act, without the consent in writing of his vicar general and another Roman catholic clergyman of the said diocese; or in case the said vicar general shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent

Consent of vicar-general and clergy of diocese requisite to validity of leases by bishop.

Power of corporation restricted to conveyance by lease.

at the time, then of two Roman catholic clergymen, to be selected or named by the Roman catholic bishop of the diocese—such selection or nomination, and such consent, to appear upon the face of the indenture or lease intended to be executed by the parties, and to be testified by the said bishop, vicar general and clergyman, or two such clergymen as aforesaid, being made parties to and signing and sealing the said indenture of lease, in the presence of two credible witnesses as consenting parties thereto respectively, provided that nothing herein contained shall be construed in anywise to give to the said corporation aforesaid the power or authority to sell, alien or convey, either absolutely or by way of mortgage, any of the lands, tenements or hereditaments now belonging to the Roman catholic church in the city and county aforesaid, except by way of lease as aforesaid.

On sickness of bishop powers to devolve on vicar-general, &c.

4. In case the said Roman catholic bishop, or his successor or successors shall, from sickness or infirmity, absence, or any other cause, become incapable of or be incapacitated from performing his or their duties in the diocese aforesaid, then his vicar general or the clergyman administering the diocese shall have the same powers as are by the act conferred upon the Roman catholic bishop of the said diocese.

Act not to affect rights of her majesty, bodies corporate, or private individuals, &c.

5. Nothing herein contained shall affect or be construed to affect in any manner or way the rights of her majesty, her heirs or successors, or of any person or persons whomsoever, or of any body politic or corporate, or of any churchwardens, or auditors of accounts, in any Roman catholic church in the said diocese, or in any way to abridge, diminish or take away any of the rights, privileges and advantages now enjoyed and possessed by any pewholder or any person having any right, title or interest in any pew or sittings in any Roman catholic church or chapel in the said diocese, such only excepted as are hereinbefore mentioned and provided for.

Act not to confer any ecclesiastical rights on bishop.

6. Nothing in this act contained shall extend or be construed to extend in any manner to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon the said Roman catholic bishop hereinbefore mentioned, or upon his successors, or other ecclesiastical person of the said church in communion with the church of Rome aforesaid.

Suspending clause; her majesty's assent given.

7. This act shall not be of any force or effect until her majesty's assent shall be signified thereto.

AN ACT TO EXTEND THE PROVISIONS OF THE ACT, TO INCORPORATE
THE ROMAN CATHOLIC BISHOP IN HALIFAX. 14 Vic., chap. 30.

Passed 7th April, 1851.

1. *Be it enacted, &c.*—The provisions of the act entitled, an act to incorporate the Roman catholic bishop in Halifax, together with the limitations therein contained, shall be extended to the following counties of Nova Scotia, so as to enable the corporation to hold lands therein, viz: the counties of Colchester, Cumberland, Hants, King's, Annapolis, Digby, Yarmouth, Shelburne, Queen's and Lunenburg.

Provisions of act
13 Vic. extended
to several coun-
ties.

2. The lands and premises so to be holden in the counties above mentioned, shall not exceed the annual value of four hundred pounds in each of such counties, and the rents and profits arising from them shall be applied for the uses and purposes of the churches, or of religious or educational institutions connected with the Roman catholic church within such counties.

Lands in such
counties not to
exceed yearly va-
lue of £400.

AN ACT CONCERNING A BAPTIST MEETING HOUSE AT BRIDGEWATER. 12 Vic., chap. 47.

Passed 31st March, 1849.

Whereas a certain lot of land and premises, with the appurtenances, situate at Bridgewater in the county of Lunenburg, was conveyed by one Nicholas Hebb, by deed bearing date on or about the eighth day of October, in the year one thousand eight hundred and thirty-two, to certain trustees for the use of the regularly ordained clergymen of the church of England, German or Scotch presbyterian or lutheran church: and whereas the ministers, deacons, churchwardens and congregation of the said English, German or Scotch presbyterian or Lutheran churches have considered that they would derive mutual benefit from the sale of the said lot of land and the building thereon erected, and the equal division among themselves of the sum of money to be realised from such sale, to be applied to the use of their respective congregations: and whereas the said Nicholas Hebb and the said trustees have signified their acquiescence in such sale: and whereas the said lot of land and building was set up at public auction, and purchased by certain persons on behalf of the baptist church at Bridgewater aforesaid: and whereas at the time of the said sale it was publicly stated that the vendors could not give a legal title to the said property, but

Preamble.

that they would join in an application to the legislature to confirm the title in the purchaser or purchasers thereof: and whereas, since the sale all the parties interested in the said property have, by petition, prayed that the legal title might be vested in certain trustees, to and for the use of the said baptist church:

Lands to vest in trustees of baptist church.

1. *Be it enacted, &c.*, That all the lands, tenements and real estate which were held in trust for the use of the said English, German or Scotch presbyterian or Lutheran churches, by John Hebb, Leonard Hebb and George Zwicker, the original trustees in the said trust deed mentioned, shall after the passing of this act, absolutely vest in and become the estate and property of trustees to be appointed as hereinafter directed, in trust, to and for the use of the Baptist church in Bridgewater aforesaid, in connection with the Nova Scotia association of baptist churches, so called, or any such association hereafter to be formed, holding the same tenets or articles of religion as the churches of the said association, being those of the christian people called Calvinistic baptists.

Appointment of trustees.

2. From time to time, and at all times after the passing of this act, it shall be lawful for the said baptist church, assembled after due notice, to nominate and appoint three fit and proper persons, by vote of the majority of the said church present at such meeting, as trustees to take charge of the said lands, tenements and buildings, in whom the legal title shall vest, immediately upon their executing a declaration of trust, to be approved by a majority of the said church at their said meeting.

Filling of vacancies.

3. It shall be lawful for the said church at any meeting called after due notice, to fill up any vacancy that may have been made in the said trust by death, resignation, or otherwise, or they may, if they think fit, remove any one or more of the said trustees, from the office of the said trust, and appoint others in their place, and the same power, trust and authority of the former trustees shall vest in the succeeding trustees, without any assignment or conveyance, for all purposes whatsoever mentioned in this act.

Lands liable for purchase money.

4. The said land and meeting house shall be liable to the payment of the above purchase money, equally—to the minister of the church of England at Lunenburg—to the minister or pastor of the German or Scotch presbyterian church at Lunenburg, and to the minister or pastor of the Lutheran church at Lunenburg, agreeably to the terms of the said sale, until the receipts of the said ministers, acknowledging that the said money has been paid or secured, shall be entered in the registry of deeds for the said county of Lunenburg.

AN ACT TO INCORPORATE THE TRUSTEES OF THE EVANGELICAL LUTHERAN CHURCH AT LUNENBURG. 13 Vic., chap. 30.

Passed 28th March, 1850,

1. *Be it enacted, &c.*—The present elders of the evangelical Lutheran church at Lunenburg, that is to say: George Ernst, Jacob Peter Kolp, Henry Schupp, John Schlagenweid, Joseph Selig, Andrew Rhodenhuiser, George Rhodenhuiser, Nicholas Conrad, Henry Ernst, Leonard Beck, Benjamin Wagner and John Zuic, and their respective successors in office, to be elected and chosen according to the rules of the church, are hereby declared the trustees of the church, and are hereby created a body corporate, and shall have succession forever, by the name of "the trustees of the evangelical Lutheran church in Lunenburg," and by that name may sue and be sued, and may purchase, take, hold and possess, for the use of the church, real and personal estate, and improve and use the same for the benefit of the church, according to their best discretion and the true intent and meaning of the donors, by whom the same may be given, devised or bequeathed, to the use of the church.

Incorporation of trustees.

2. All those lots or parcels of land whereon the church is now erected, as the same are now occupied and used, with the church, situate in Lunenburg, as also all that messuage, lots of land and premises adjoining the church, as the same are now occupied, possessed and used, as a parsonage house and grounds; as also all that lot of land, messuage and premises situate in Lunenburg, now in the possession of the family of the late Mrs. Harrison, and a certain town lot in Creighton's division, letter V; as also all that certain thirty acre lot of land situate on the Pleasant River road, in the county of Lunenburg, and near the property of Mr. William Newcomb, with all the buildings and appurtenances of the same; and also all other real estate in which the church or congregation thereof may be interested, howsoever, or in whomsoever the legal title of the church and the pieces and parcels of land or other real estate may be vested, are hereby vested in the trustees, saving however to all tenants and occupiers of the lots, pieces and parcels of land hereinbefore mentioned, or any part thereof, their present respective legal rights in and to the same.

Land to vest in trustees.

3. The trustees, or any seven of them, may sell, mortgage or lease the real estate hereinbefore described as follows, viz: all that lot of land, messuage and premises situate in Lunenburg aforesaid, now in the possession of the family of the late Mrs. Harrison, and all that certain thirty acre lot of land situate on the Pleasant River road in the county of Lunenburg, and near the property of William Newcomb, or the goods, chattels, monies or effects of the church, held by the trustees for the use of the church, in such

Trustees may sell, &c.

manner and for such purposes as by the congregation by any rule or regulation, or by any resolution passed at a meeting of the congregation to be called and held in conformity with the rules from time to time in force for the government of the congregation may be directed; but whenever any sale, mortgage or lease of the real estate in this section mentioned shall be intended to be proposed to any meeting of the congregation, thirty days public notice thereof shall be given in the church on some Sabbath day immediately after divine service, and no such sale, mortgage or lease shall be valid unless sanctioned by a majority of such meeting of the congregation, and a declaration that such majority have given such sanction entered on the minutes of the meeting shall be prima facie evidence of the fact.

Not to affect the rights of her majesty, &c.

4. Nothing herein contained shall be construed to interfere with, alter or affect the rights of her majesty, or of any body corporate, or private individual.

8 Geo. 4, chap. 30. AN ACT FOR DIVIDING THE PARISH OF SAINT PAUL, IN THE TOWNSHIP OF HALIFAX.

Preamble.

Whereas the parish of Saint Paul now comprehends a large extent of land, which has become very inconvenient on account of its great extent and the increase of its inhabitants. And whereas a number of the inhabitants of the said township have erected, built and finished a church, which they have called or named Saint George's church, for the celebration of divine service according to the rites and ceremonies of the church of England, in which a minister of the said church, regularly ordained and licensed, now officiates, and at which a large congregation of the inhabitants of the said township regularly attend divine worship. And whereas the venerable archdeacon Robert Willis, D.D., the present rector of the said parish of Saint Paul has voluntarily relinquished all claim he might have to any compensation on account of so considerable a diminution of his parishioners, and has, so far as he is interested in the premises, most willingly consented to the said division as a measure advantageous to the inhabitants of the intended parish of Saint George:

Boundaries of St. George's parish.

1. *Be it enacted, &c.*, That all the land lying within the said township, and bounded as follows, that is to say: beginning at a point on the western shore of the harbour of Halifax, directly opposite to the centre and eastern end of the street or lane called Jacobs' street, which is the southern boundary line of the north suburbs of the town of Halifax, and running from said point westerly along the centre line of said street to the end thereof, and

from thence the same direct course until it comes in a range with the centre of upper street and on Brunswick street, thence northerly along the centre line of Brunswick street until it comes to the centre of the eastern termination of the public street which leads along the north side line of the northern barrack square into the common, thence westerly along the centre line of said street until it strikes the eastern line of said common, thence following the courses of said common line northerly and westerly to the end thereof, and from thence to run westerly along the centre of the public road, leading in front of the buildings and premises of the late James Romans, until it meets the centre of the public road from Halifax to Brehm's farm, thence to follow the centre line of said road northerly and westerly, by Brehm's farm, until it strikes the centre of the bridge over Smelt Brook, at the head of the North West Arm, from thence to run west ten miles, thence north until it strikes the southern side line of Sackville parish and the northern side line of Halifax township, thence easterly along said line, to the shore of Bedford Basin, and to be bounded easterly and southerly by the shores of Bedford Basin and the harbor of Halifax, to the place of beginning; all which described land shall hereafter be the parish of the said church, now commonly known by the name of Saint George's church; and all the lands lying within the limits before described, except the glebe lands and all other property belonging to the said church of Saint Paul, shall hereafter be separated from the said parish of Saint Paul, and be a parish, hereafter to be known and called the parish of Saint George.

2. It shall and may be lawful for the people residing within the said district, to meet for the choice of church wardens and vestrymen and all other parish officers, which choice shall be made yearly, and at the same time and in the manner as is by law already prescribed, for the said parish of Saint Paul, and all meetings, powers and proceedings of the parishioners, church-wardens and vestry, and parish officers of the said new parish of Saint George, shall be according to the rules and regulations set forth for the said parish of Saint Paul, in an act, entitled, an act in addition to an act for the establishment of religious public worship in this province, and for suppressing of popery; and the minister or rector of the said parish of Saint George, the parishioners, church wardens, vestry-men and parish officers, are hereby powered to act in the same manner, and with the same power, in all cases, as is prescribed in said act, and all other acts, made for the said parish of Saint Paul, in addition to, alteration or amendment of the same.

3. The said church and building, so called Saint George's church, with the lot of land on which the same now stands, and the burying-ground belonging to said church, with the buildings thereon, commonly called and known as the Dutch burying ground, and the lot of land granted to said church, for the purpose of erecting thereon a parsonage house, with all the buildings thereon, and the lot of land, situate in the north suburbs, described

People may meet to choose church officers as provided for by acts relating to parish of St. Paul.

Church and church property to be vested in the churchwardens and vestry

for use of rector,
parishioners, and
church establish-
ment.

Church not liable
for debts now ex-
isting
to be paid by as-
sessments and
other church in-
come.

Preamble.

Residents in St.
George's holding
pews in St. Paul's
not to be taxed in
St. George's.

Residents in St.
Paul's holding
pews in St. George's
not to be taxed
for St. Paul's.

letter E, number three, measuring one hundred feet front, and two hundred and fifty feet deep, purchased for Saint George's church in the year 1776, shall, after passing this act, vest in the church wardens and vestry of the parish of Saint George, to be by them held in their corporate capacity forever hereafter in fee simple, for the use and benefit of the minister or rector and parishioners of said church, and for the support and maintenance of the church establishment of said parish, and for no other use, intent or purpose, whatsoever; any deeds, grants, trusts or conveyances heretofore made, to the contrary thereof notwithstanding.

4. The said church, and the lands thereunto belonging, as aforesaid, shall not be held liable to any mortgage, debt, charge or incumbrance whatsoever, now existing, and the debts now due from the said congregation, or which may hereafter become due, shall be liquidated, settled and paid, by the church wardens and vestry of said parish, out of the parish rates and assessments or other income of said church, and on no account shall be made an incumbrance or charge on the real estate belonging to the same.

And whereas it will be attended with present difficulty and inconvenience, if the inhabitants of the new parish, who hold pews in the church of Saint Paul, should be obliged to contribute and pay for the support of the said new church of Saint George:

5. For and during the space of twenty years, to be computed from the first day of January last past, the person or persons hereinafter named, that is to say—David Shaw Clarke, William Milward, Ann Creighton, Elizabeth Mason, Elizabeth Herd, Ann Hughes, Mary Wood, John A. Veith, Walter C. Wilkie, Elizabeth Tucker, James Collupy, John W. Madden, Daniel Norwood, William Fennerty, Robert Whiston, Frederick Major, William Wells, Mary Ann Burroughs, John Douglas, A. F. Jones, George Damerum, Joseph Winniett, Adam Grieve, Thomas Maynard, Henry Linart being inhabitants of the new parish of Saint George, each of whom now holds a pew, or a part or share of a pew, in the said church of Saint Paul, shall not be taxed, or held liable to pay any rate or assessment, for the support of the said church of Saint George; and the said persons so named, and their families, although they do not dwell within the parish, shall nevertheless, be assessed and pay towards the support of the said church of Saint Paul, during the same period of twenty years, the same as heretofore, in case they severally continue so long to hold a pew or part of a pew, in the said church of Saint Paul. And so in like manner, all persons hereinafter named, that is to say—Andrew Smith and brothers, John Tryder, Richard John Uniacke, junior, Beamish Murdoch, Anthony H. Holland, Phillip Holland, Mrs. Thomas Smith, Mrs. Roxby, Nicholas LeCain, Mrs. D. Clarke, Rebecca Miller, George Jost, Andrew Bauers, Thomas Bauers, George Thresher, Frederick Rhaves, William Carritt, Mrs. — Mosher, Henry Lockyer, Edward Knickle, Henry Gruber, James Walsh, Henry Spike, Mrs. — Harvey, Joseph Marchington, George Hughes, James Carter,

Robert Grover, John Sheffer and Daniel Sheffer, William Muncey, John Room, Mrs. — Evans, James Stratton, Henry Brehm, Mrs. — Walker, George Hoskins, Clement H. Belcher, Thomas McKie, Edward Longard, George Haverstock, Andrew Fulmer, who now hold pews or parts of pews, in the said church of Saint George, and who are inhabitants within that part of the township of Halifax, which still remains as the parish of Saint Paul; such persons, if they continue during the said period of twenty years, by themselves or families aforesaid, to hold pews, or parts of pews, in the said church of Saint George, shall not be taxed, or held liable to pay any rate or assessment for the support of Saint Paul's church, but shall, notwithstanding they are inhabitants of the said parish of Saint Paul, be assessed, and pay for the support of the said church of Saint George, in the same manner and form as they would be liable, in case they actually were inhabitants of the said new parish of Saint George.

6. Whenever a vacancy shall take place in the office of rector of the said parish, the governor, lieutenant-governor or commander in chief for the time being, having first received the representations of the congregation on the subject of their interests, and being made acquainted with their wishes and inclinations, shall name to the said congregation the person intended to be presented to the rectory of the said parish; and it shall be lawful for the said governor, lieutenant-governor or commander in chief, within fourteen days after such nomination, if he shall think fit, to present the person so named to the rectory of the said parish, or otherwise to nominate some other fit and proper person as rector of the same; and to cause the person so presented, to be instituted and inducted, as the rector of said parish; any law, usage or custom to the contrary notwithstanding.

Appointment of rector in case of vacancy.

And whereas the debts now due from the said church of Saint George, amounting to seven hundred pounds, which, together with the expense of rebuilding the parsonage house, has put it out of the power of the congregation for the present, to make any permanent allowance to their minister :

Preamble.

7. From and after the expiration of ten years from the passing of this act, or sooner if the said debt shall be paid and discharged before the said ten years, the church wardens and vestry of the said parish, shall yearly and every year pay to the rector or minister of the said parish, one half part of all rents arising from the pews of said church, and also such further part of the said rents as the parishioners shall think proper to vote at any parish meeting.

Half the pew rent to be paid to the rector after the existing debts are paid.

13 Vic. chap. 23. AN ACT TO INCORPORATE THE HALIFAX MECHANICS' INSTITUTE.

Passed 25th March, 1850.

Halifax mechanics' institute incorporated.

1. *Be it enacted, &c.*—The following persons, that is to say : Andrew McKinlay, Daniel McNeil Parker, M. D., the honorable Joseph Howe, George L. O'Brien, James Allen, M. D., John S. Thompson, James Forman the younger, William Howe, Robert H. Wetmore, Thomas McCulloch, Joseph W. Quinan, Andrew Downs, James Thompson, Robert Noble and Alexander J. Ritchie, and all such other persons as now are or shall hereafter become members of the society, and their successors, shall be a body politic and corporate, by the name of the "Halifax mechanics' institute," and by that name shall have succession and a common seal, and by that name may sue and be sued, and shall have power to hold, purchase and take real and personal estate, and to sell, let, mortgage, convey or invest the same, and do all other necessary things in and about the same, and may make bye-laws for the rule and good government of the society, and from time to time alter and amend the same, but the bye-laws shall not be repugnant to the laws of this province.

Object of the society.

2. The object of the society shall be the diffusion of science and literature among mechanics, artisans and others of the city of Halifax, by means of public lectures and otherwise; and the museum, books, philosophical apparatus, funds, and other property now belonging to the society, shall be vested in the corporation for the uses thereof.

£5000 real estate.

3. The society shall not at one time hold real estate of greater value than five thousand pounds.

Government of society.

4. The society shall be governed by a committee of not less than twelve members, comprising a president, and such other officers as may be designated in the bye-laws of the society, to be chosen at some general meeting by a majority of members present thereat, according to the regulations now in force in the society or hereafter to be made with respect to the election of its office bearers.

Present office holders not to be re-elected.

5. It shall not be necessary in consequence of this act to re-appoint any of the persons now managing the affairs of the society as the office bearers thereof, but they shall continue to act until the expiration of the period for which they were appointed.

Rules now in force to be continued.

6. All the bye-laws, rules and regulations of the society now in force shall continue in force after the passing of this act until they shall have been set aside, altered or annulled at some general meeting of the society called for that purpose.

AN ACT TO INCORPORATE THE TRUSTEES OF THE MASONIC HALL 13 Vic., chap. 20.
IN HALIFAX.

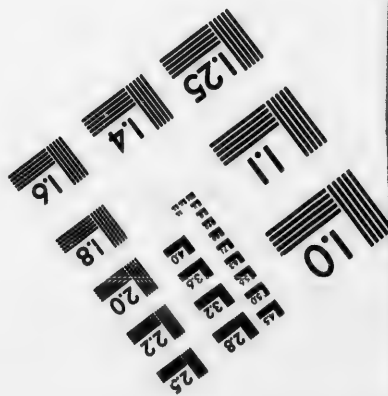
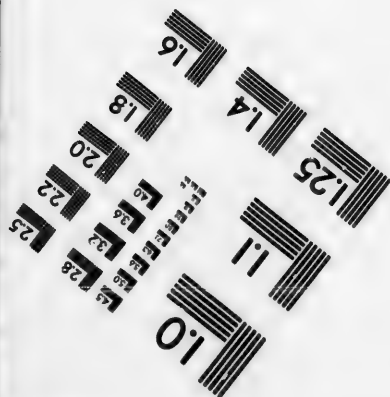
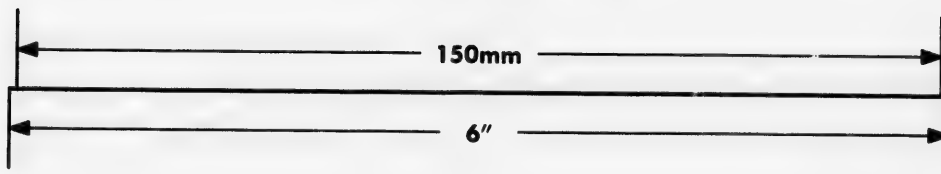
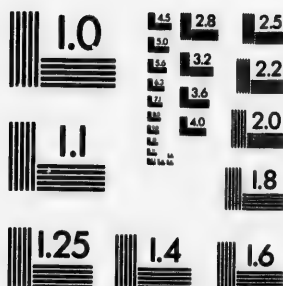
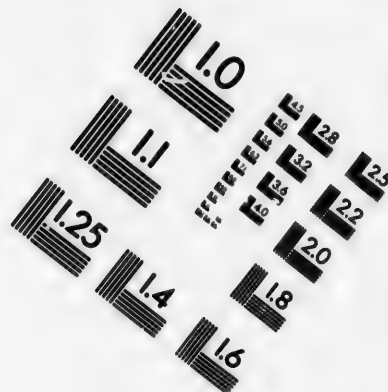
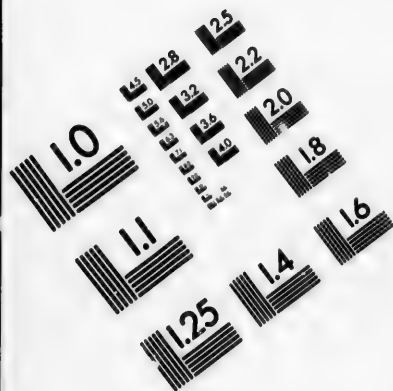
Passed 23th March, 1850.

Whereas his late majesty king George the third, by letters patent under the great seal of this province, bearing date the twenty-eighth day of July, in the year of our Lord one thousand seven hundred and ninety-eight, did grant unto Richard Bulkeley, Duncan Clarke, James Clarke, John Bremner, John George Pyke, John Solomon, Daniel Wood, John Boyd, Charles Morris, junior, John King, William Duffus and Andrew Liddell, the square of land theretofore occupied by the main guard, situate in the southern part of the then town, being now the city of Halifax, in this province, which square was abutted and bounded according to a certain plan to the said patent annexed, and contained half an acre and one rod, more or less, to have and to hold the same unto the said grantees, their heirs and assigns forever, subject only to the several restrictions and conditions in the patent specified, which grant was duly allowed by his royal highness prince Edward, then lieutenant-general commanding his majesty's forces in this province. And whereas the grantees by a deed or declaration of trust under their hands and seals, dated the eighth day of March in the year of our Lord one thousand seven hundred and ninety nine after reciting such letters patent and the allowance thereof, and to the effect that the consideration money therefor paid was the proper monies of the several bodies or lodges of free and accepted masons in the town of Halifax, and was paid and advanced by such lodges in the proportions therein specified, and that the names of them, the grantees, were inserted in the patent at the request of and as trustees for such lodges, to the intent that the members thereof might have the use of the square of land and receive the rents and profits thereof, according and in proportion to the shares by the several lodges contributed for the purchase thereof, did for themselves, their heirs, executors, administrators and assigns, testify, declare and agree that such purchase money was not the proper monies of them, the grantees, but was the funds of the several lodges therein mentioned, and that the names of them, the grantees, were made use of in the patent in trust only, and for the proper use of the members of such lodges and their successors in all time to come, according to the respective shares by the several lodges contributed as therein mentioned. And whereas part of such square of land was shortly thereafter sold, and the remainder being then vested in the said William Duffus, as sole surviving trustee, the others having departed this life, and it having become necessary to raise on loan a sum of money for the repair and preservation of the building thereon

Preamble.



IMAGE EVALUATION TEST TARGET (MT-3)



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erected and known as the masonic hall, the said William Duffus, by a certain indenture of mortgage bearing date the thirty first day of July in the year of our Lord one thousand eight hundred and thirty-eight, did, with the consent and approbation of the several lodges then interested in the remaining lands and premises, testified by the execution of certain officers of such lodges of a power thereto annexed, mortgage the same to the now honorable Alexander Keith, for the sum of six hundred pounds, and interest, which mortgage is still outstanding and unsatisfied. And whereas the said Alexander Keith, with the consent of the lodges interested, did, by indenture bearing date the twenty-sixth day of June one thousand eight hundred and forty-eight, convey to James Forman the younger, in fee, a certain portion of the lands included in such mortgage, subject only to certain easements therein. And whereas the said Alexander Keith is now in possession as mortgagee of the remainder of the lands included in his mortgage and which remaining lands and premises are more particularly described as follows, that is to say : all that messuage, tenement and building known as the masonic hall, with the premises thereto belonging, abutted and bounded as follows, that is to say : beginning on Barrington street, at the south-west angle of a certain small lot of land lately purchased by James Forman, junior ; from thence to run southerly on Barrington street and bounding thereon until it meets Salter street ; thence easterly on Salter street and bounded thereby until it meets the intersection thereof by Granville street ; thence northerly on Granville street aforesaid until it meets the southern bound of property belonging to John Metzler ; thence following the southern lines of Metzler's property, and of said property of James Forman, junior, until it meets Barrington street, the place of beginning—being lots number three, four and five, in the original plan of division of the square of land formerly occupied by the main guard, and granted by the letters patent in this act hereinbefore recited. And whereas the following lodges of free and accepted masons are now, under and by virtue of the letters patent, and declaration of trust hereinbefore recited, and in respect of certain advances subsequently made by them towards the erection of such hall, beneficially interested in such remaining lands and premises, subject only to such mortgage, in the shares and proportions following, that is to say : the Grand Lodge eight shares ; the Royal Union Chapter three shares ; Saint Andrew's Lodge six shares ; Saint John's Lodge two shares and Virgin Lodge three shares—each of such shares representing fifty pounds currency, and such four lodges now exercise control over the hall, and appoint each one of their body as members of a building committee, to superintend and manage the same in conjunction with the said Alexander Keith. And whereas in order to the more convenient holding and management of such lands and premises, and the said masonic hall thereon erected, it is desirable that trustees thereof should be incorporated, in manner hereinafter set forth, and it has been made manifest that

the same will not in any manner operate injuriously to any private or other rights in such lands and premises:

1. *Be it enacted, &c.*—The honorable Alexander Keith, provincial grand master for this province, as well as for the province of New Brunswick and the islands of Newfoundland and Prince Edward, holding under the masonic jurisdiction of the grand lodge of England, James Forman, the younger, deputy provincial grand master for this province, holding under the same jurisdiction, and John Richardson, representing the Royal Union chapter, and John Woodill, past master of Saint Andrew's lodge, Henry C. D. Twinning, past master of Saint John's lodge, and Joseph Whidden, past master of Virgin lodge, and their successors in office under this act, are hereby incorporated under the name of "the trustees of the masonic hall in Halifax," and by that name shall have perpetual succession, and may sue and be sued, and have a common seal, and may take and hold personal property, and also real estate not exceeding in value at any one time ten thousand pounds, and may mortgage, sell, lease or otherwise dispose of the same as may be deemed expedient, conformably however in all respects to any trusts under which the same may be held.

Trustees incorporated.

2. The grand master and deputy grand master of this province for the time being, holding under the jurisdiction hereinbefore mentioned, shall always be members of the board of trustees hereby incorporated, but the other members thereof herein named shall go out of office on the twenty-seventh day of December next, and the Royal Union chapter, and Saint Andrew's, Saint John's and Virgin lodges, shall respectively at their regular meeting which shall happen next previous to the twenty-seventh day of December in every year, elect each one of their members who shall go into office on the twenty-seventh day of December then next following, and shall remain in office for a year, and form with the grand master and deputy grand master, the board of trustees hereby incorporated.

Trustees appointed.

3. Any trustee going out of office may be re-elected thereto.

Re-election of trustees. Existing trustees if no new ones appointed.

4. If the chapter or any of the lodges shall cease to exist, or shall in any year neglect to appoint trustees, the corporation shall not be thereby dissolved or in any way affected, but the remaining trustees shall constitute the corporation.

5. The provincial grand master for the time being shall be president of the board of trustees, and the trustees may appoint one of their number as secretary, and may alter and repeal bye-laws for their own government and for regulating the manner of transacting their duties, conformably to the provisions of this act.

President, &c., and bye-laws.

6. The land in the preamble particularly described, and now under mortgage to the honorable Alexander Keith, together with the masonic hall thereon erected, and all buildings, easements and appurtenances thereto belonging or in anywise appertaining, or therewith heretofore held and enjoyed, are, subject to such mortgage, hereby absolutely vested in the trustees, and shall be held, managed and leased by them: in the first place in trust to pay off

Lands and buildings vested in the president.

and discharge all principal monies and interest due or to become due on such mortgage or on any other mortgage which it may be necessary for them to enter into to satisfy the present mortgage or which they may execute in accordance with the provisions hereof, and then subject to the direction by vote of two-thirds of the members respectively of the chapter and lodges holding a majority of the whole shares, as hereinbefore expressed, present at any meeting of such chapter and lodges respectively, duly summoned for the purpose; and the trustees are hereby invested with all necessary powers for carrying out the provisions of this section, but no lease shall be made hereunder for a longer period than five years.

New shares.

7. A majority of two-thirds of the members respectively of the chapter and lodges holding a majority of the whole shares present at a meeting called in manner in the last section mentioned, may at any time create new shares of fifty pounds currency each, which shall be represented and have a voice in the direction of the trustees in the same manner as original shares.

The shares of lodges ceasing to exist to vest in remaining lodges.

8. If the chapter or any of the lodges hereinbefore mentioned, or any lodge which may acquire new shares hereunder, shall cease to exist, the shares then held by such chapter or any such lodge shall be vested in the remaining lodges or chapter then beneficially interested, in proportion to the shares by them then respectively held, and be represented accordingly in the direction of the trustees.

Not to affect private rights.

9. Nothing herein contained shall affect private rights otherwise than as transferring a legal estate in the land and premises in the sixth section mentioned, to the trustees, for the use of the parties now beneficially interested therein.

Not to engage in banking operations, &c.

10. The corporation shall not engage in any banking or insurance operations.

14 Vic., chap. 38. AN ACT TO INCORPORATE THE GRAND DIVISION AND SUBORDINATE DIVISIONS OF THE ORDER OF THE SONS OF TEMPERANCE OF NOVA-SCOTIA.

Passed 7th April, 1851.

Names of members.

1. *Be it enacted, &c.*—The honorable James W. Johnston, the reverend John McMurray, John Campbell, Lawrence E. Van Buskirk, the reverend Alexander Hichborne, Benjamin Zwicker, Eben S. Cowling, the reverend James C. Cochran, William M. Brown, Robert Noble and James D. B. Fraser, and their associates, members of the grand division of the order of the sons of temperance in this province, and such other persons as shall become members of such division according to the rules and bye-laws

thereof, are hereby created a body corporate, by the name of the "grand division of the order of the sons of temperance of Nova-Scotia," for the purpose of managing the pecuniary affairs of the grand division.

2. The corporation may hold real estate not exceeding the value of two thousand pounds. Real estate.

3. Every subordinate division now instituted, or which may hereafter be instituted within the province, may, in the manner hereinafter specified, become a body corporate by the name, number and place of location by which it is or may be designated in the order, but no subordinate division shall hold real estate of a greater value than the sum of one thousand pounds. Subordinate divisions.

4. Every subordinate division which may be desirous of becoming incorporated, may, by a vote of two-thirds of the members present at any regular meeting, of the intention to propose which vote two weeks' notice at least shall be given in regular meeting of such subordinate division in writing, decide to become so incorporated; and upon a copy of the vote of such division, specifying also the name, number and place of location of such subordinate division, and the names of not less than ten of the members thereof, under the seal of such subordinate division, and the signatures of its presiding officer and recording scribe, together with a certificate of the grand division under its corporate seal, and the signatures of its presiding officer and scribe, that such subordinate division is in full standing in the order, being filed in the office of the secretary of the province, the members of such subordinate division whose names may be included in such vote, and their associate members of the division, and such other persons as may become members thereof, shall be, from the time of filing such certificate, a body corporate, for the purposes before mentioned, by the style or name, number, and place of location thereof. Subordinate divisions desiring to become incorporated.

5. Upon the passing of this act, the property of the grand division, whether real or personal, and all debts due thereto, shall vest in the grand division as hereby incorporated; and upon the incorporation of any subordinate division, the real and personal property thereof, and all debts due thereto, shall vest in the corporation so established. Property of grand division.

6. No member of any subordinate division so incorporated shall have power to assign or transfer to any person whomsoever any interest which he may have to or in the funds or property of the division, but the same shall remain at all times under the control of the division; and no property or stock of any kind belonging to any such incorporated subordinate division shall be subject to the private debts of any of its members, nor be liable to be taken in execution by any judgment creditor against any individual member of the division. Funds of subordinate division.

7. The property of every subordinate division when incorporated, shall alone be responsible for the debts and engagements of the division. Members not liable.

Property alone responsible for division's debts.

Dissolution of subordinate divisions.

8. Upon the dissolution of any subordinate division, so incorporated, the property held by it at the time of the dissolution which shall not have been disposed of by the division in accordance with the bye-laws, shall be forthwith vested in the grand division, to be applied thereby, first to the payment of any debts or liabilities of such dissolved subordinate division, and the balance, if any, in such manner as the grand division may deem best for the general interests of the order in this province.

Chapter 87, revised laws extends to this act.

9. The eighty-seventh chapter of the revised statutes, passed during the present session, except in so far as inconsistent with this act, shall extend to the grand division hereby incorporated, and to such subordinate divisions as may hereafter become incorporated under this act.

11 Vic., chap. 35. AN ACT TO INCORPORATE A TEMPERANCE HALL COMPANY IN HALIFAX.

Passed 11th April, 1848.

Preamble.

Whereas the erection of a temperance hall in Halifax will be of great public advantage, inasmuch as it will afford accommodation for holding public meetings convened for moral and useful purposes : and whereas the several persons hereinafter named, and others, have entered into a subscription to raise in shares such sum as may be requisite as a joint stock or fund for that purpose :

Halifax temperance hall company incorporated.

1. *Be it therefore enacted, &c.*, That Robert Noble, William M. Brown, John W. Barss, Charles B. Naylor, Samuel Carten, William C. Silver, Eddy Tupper, Edward Jost, Joseph Bell, Samuel Story the third, William H. Marvin, Archibald Patterson, John Whitman, William J. Coleman and Charles Robson, and all and every such person or persons as shall from time to time become proprietors of shares in the company and undertaking hereby established, and their respective successors, executors, and administrators and assigns, shall be, and they are hereby declared to be a body politic and corporate, by the name of "the Halifax temperance hall company," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, plead or be impleaded, in all courts of law and equity within this province.

Company to hold lands, &c.—make bye laws, &c.

2. The said company shall and may take, purchase and hold any lands, houses, tenements and hereditaments, in fee simple or otherwise, and also rents, monies, securities for monies, goods and chattels, and shall and may demise and let, sell and convey, or mortgage the same or any part thereof, subject to the restrictions

hereinafter mentioned, and do and execute all other things in and about the same, which may be necessary and proper for the benefit of the said company; and shall have full power and authority to make and establish such bye-laws and ordinances as may from time to time be required, and to alter or amend the same: provided such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of this province.

Proviso.

3. The said company shall not hold and possess, at any one time, real estate to a greater value than ten thousand pounds.

Real estate not to exceed £10,000.

4. The capital of the said company shall be divided into shares of five pounds each share; and such shares shall be assignable and transferable in such manner and upon such terms as by the said bye-laws may be provided and directed; and that notwithstanding any real estate which the said company may hold at any time, the shares and interest of the several shareholders of and in the capital stock and funds of the said company, shall be held and deemed to be personal property to all intents and purposes.

Amount of shares — transfer thereof — to be personal property, &c.

5. The several persons who now are, or hereafter may become subscribers toward the said undertaking, shall, and they are hereby required to pay the sums of money by them respectively subscribed, in such proportion and at such times and places as shall be directed by the said bye-laws; and in case any person shall neglect or refuse to pay the same at the time, and in the manner required for that purpose, it shall be lawful for the said company to sue for and recover the same in any court of competent jurisdiction: provided always, that it shall not be lawful for the said company to call for or require any shareholder in the said company to contribute or pay any larger sum than the amount of the share or shares held by him as aforesaid.

Payment of subscriptions; mode of enforcing the same.

Proviso.

6. The joint property or stock of the said company shall be alone liable for its debts or engagements, and that no proprietor or shareholder in the said company shall be, or become responsible, chargeable or accountable, by any ways or means for any other or greater sum of money than the amount of the shares which he shall actually and bona fide possess, or be entitled to in the capital or joint stock of the said corporation.

Responsibility of shareholders limited to amount of shares.

7. All such lands and real estate as the said company may hold at any time, or so much thereof as may be necessary to satisfy any writ of execution issued upon any judgment obtained against the said company, shall and may be taken upon such writ, and sold in the same manner, and with like notices, proceedings and equity of redemption, as the lands of private persons may be taken, levied on, and sold according to law; and the sheriff shall immediately after such sale make and execute a deed to the purchaser, which deed shall convey and transfer all the estate and interest of the said corporation in the lands so taken, sold and conveyed.

Levy, sale, conveyance, &c., of real estate under execution.

8. The general annual meeting of the said company shall be held on the first Monday of March in every year, after this present year, at some convenient place in the city of Halifax, to be ap-

Annual and special meetings.

pointed and duly notified to the company by the board of directors; and that special meetings of the company shall be summoned by the directors when they shall deem the same necessary, or whenever a requisition in writing therefor shall be delivered to the board signed by twenty shareholders, and specifying the object of such meeting: provided always that at least ten days notice of such special meeting, and of the object thereof shall be given in some two of the public newspapers published at Halifax aforesaid, and that all such general or special meetings may be adjourned from time to time, and from place to place, as may be found expedient.

Proviso.

Votes of shareholders, proxies, directors, president, &c.

9. At any annual or special meeting of the company, each proprietor or shareholder having paid up all calls on him made, and then due and payable, shall be entitled to vote as follows, namely—the owner of one share to have one vote, the owner of four shares to have two votes, and the owner of eight shares, or greater number of shares, to have three votes and no more—and the said proprietor may give such vote or votes by his proxy, duly constituted according to the bye-laws, such proxy being a shareholder and entitled to vote—and every such vote by proxy shall be as good and sufficient, to all intents and purposes, as if such principal had voted in person; and at every meeting of the board of directors each director shall have one vote only, and every question, matter or thing, which shall be discussed or considered at any meeting of the board of directors, shall be determined by the majority of votes then given by the directors then present; and in case it should so happen that at any general or special meeting of the board of directors the votes shall be equal, then the president of the company, or in his absence the chairman of the meeting or of the board, shall be entitled to a casting vote in addition to his own personal vote.

Notice of first general meeting—formation of company—election of officers, &c.

10. As soon after the passing of this act as may be convenient and deemed expedient, the said fifteen persons first named in this act, or any three of them, shall, by public advertisement to be printed in at least two of the newspapers in Halifax, during ten days, appoint a day and place for the first general meeting of the subscribers, and shall assemble such meeting, and a chairman thereof being chosen among the subscribers present, with a secretary, the company hereby incorporated shall be formed and organized, and go into operation under this act; and the said subscribers then and there present, or their proxies, shall and may forthwith, in the manner prescribed, proceed to elect seven directors, one of whom shall be chosen by the said directors by ballot, as president, and a secretary; and the said directors and secretary so to be elected, shall hold, exercise and enjoy, and retain their respective offices from the day of such their election until the first annual general meeting thereafter, and thence continually until a new choice of officers be made by the company, pursuant to this act, and the bye-laws of the said company: provided always, that no person shall at the said meeting, or at any subsequent meeting at which officers shall be elected, be deemed eligible to office, unless such

Proviso.

person shall be at the time of such election of officers a member of some temperance society in the city of Halifax.

11. At the general annual meeting of the company in each year, the directors of the said company for the ensuing year shall be elected by ballot in the following manner, viz: the shareholders shall first elect three directors out of the seven who have served for the preceding year, provided they shall be willing again to accept office, and shall then elect four others from the shareholders of the company indiscriminately; and if all or any of the retiring directors shall refuse to be re-elected, the said shareholders shall proceed to the election of others of the company until the full number of directors be completed.

Election of directors at annual meeting.

12. No person concerned or interested in any contract under the said company, shall be capable of being chosen, or if chosen, of continuing a director of the said company; and no person, during such time as he shall be such director, shall be capable of taking any contract under the said company.

No one contracting with company eligible as director.

13. When and so often as any director named or elected by virtue of this act, shall die, or shall resign, or shall become disqualified or incompetent to act as such director, before his term of office shall have expired, it shall be lawful for the remaining directors to elect some other proprietor duly qualified to fill up such vacancy.

Directors to supply vacancy by death, &c. of any of their body.

14. If from neglect, or any other cause, the said annual general meeting should not be held, the directors last chosen shall continue to act, and have the same powers that they had and were possessed of, until the next annual general meeting, or until new directors shall be chosen or appointed as aforesaid.

Directors to hold office until new appointment made.

15. The directors who shall first be chosen under the provisions of this act, shall, with all convenient speed, proceed to draw up a code of bye-laws, rules and regulations, for the government of the said company, and the conduct and management of its affairs and business, and shall submit the same to be altered, amended and confirmed, by a committee selected and appointed at the first general or some other meeting of the said company, to superintend the same.

To draw up laws, rules, &c. to be confirmed by committee.

16. It shall be lawful for the said company from time to time, and as often as may be deemed necessary, for the purpose of carrying on the business of the said corporation, to sell further shares therein; and every purchaser of such shares shall be entitled to all the privileges and advantages of other shareholders in the said company.

Company authorized to sell further shares.

17. The directors of the said corporation shall be authorized and empowered at any time, by and with the assent of two-thirds of the shareholders, to be given in writing at any general or special meeting regularly convened, and not otherwise, to borrow on mortgage of the property belonging to the said corporation such sums of money as may be required for the uses thereof, or absolutely to sell and dispose of the real estate and property of the said company

Mortgage and sale of property of corporation, &c.

if deemed expedient; and the said directors are hereby authorized to convey in mortgage any lands or real estate of the said corporation, for the purpose of securing the monies so to be borrowed as aforesaid, or in case of an absolute sale of the said real estate, or any part thereof, to grant and convey the same, and to make the necessary deeds and conveyances for that purpose.

Proviso.

18. Nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money by way of discount or otherwise, or of engaging in any banking operation whatsoever, or to effect any insurance upon any ship, or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

12 Vic., chap. 19. AN ACT TO INCORPORATE A TEMPERANCE HALL COMPANY IN WINDSOR.

Passed 14th March, 1849.

Preamble.

Whereas the erection of a temperance hall in Windsor will be of great public advantage, inasmuch as it will afford accommodation for holding public meetings, convened for moral and useful purposes. And whereas the several persons hereinafter named, and others, have entered into a subscription to raise in shares such sum as may be requisite as a joint stock or fund for that purpose :

The Windsor temperance hall company incorporated.

1. *Be it therefore enacted, &c.*, That Theodore S. Harding, Joseph Allison, James L. Dewolfe, Theophilus Cowen, Godfrey P. Payzant, John A. Jenkins, James Burgess, Elisha Card, Edward W. Dimock, Samuel Caldwell, John Fielding, Joseph Cochran, Amos B. Campbell, William O'Brien, James Irons and George B. Sandford, and all and every such persons as shall from time to time become proprietors of shares in the company and undertaking hereby established, and their respective successors, executors and administrators, and assigns, shall be, and they are hereby declared to be, a body, politic and coporate, by the name of "the Windsor temperance hall company," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded in all courts of law and equity within this province.

Privileges of company.

2. The said company shall and may take, purchase and hold any lands, houses, tenements and hereditaments in fee simple or otherwise, and also rents, monies, securities for monies, goods and chattels, and shall and may demise and let, sell and convey, or mortgage the same or any part thereof, subject to the restrictions hereinafter mentioned, and do and execute all other things in and about

the same which may be necessary and proper for the benefit of the said company, and shall have full power and authority to make and establish such bye-laws and ordinances as may from time to time be required, and to alter or amend the same, provided such bye-laws and ordinances be not contradictory or repugnant to the laws and statutes of this province.

3. The said company shall not hold or possess at any one time real estate to a greater value than five thousand pounds.

Restriction as to
real estate.

4. The capital of the said company shall be divided into shares of two pounds and ten shillings each share; and such shares shall be assignable and transferable in such manner and upon such terms as by the said bye-laws may be provided and directed; and that notwithstanding any real estate which the said company may hold at any time, the shares and interest of the several shareholders of and in the capital stock and funds of the said company shall be held and deemed to be personal property to all intents and purposes.

Amount of shares,
transfer thereof,
&c.

5. The several persons who now are or hereafter may become subscribers toward the said undertaking shall, and they are hereby required to pay the sums of money by them respectively subscribed in such proportion and at such times and places as shall be directed by the said bye-laws; and in case any person shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said company to sue for and recover the same in any court of competent jurisdiction, provided always that it shall not be lawful for the said company to call for or require any shareholder in the said company to contribute or pay any larger sum than the amount of the shares held by him as aforesaid.

Payment of sub-
scriptions, recove-
ry thereof, &c.

Proviso.

6. The joint property or stock of the said company shall be alone liable for its debts or engagements; and that no proprietor or shareholder in the said company shall be or become responsible, chargeable or accountable by any ways or means for any other or greater sum of money than the amount of the shares which he shall actually and bona fide possess or be entitled to in the capital or joint stock of the said corporation.

Shareholders not
liable beyond
amount of shares. ?

7. All such lands and real estate as the said company may hold at any time, or so much thereof as may be necessary to satisfy any writ of execution issued upon any judgment obtained against the said company, shall and may be taken upon such writ, and sold in the same manner and with like notices, proceedings and equity of redemption as the lands of private persons may be taken, levied on and sold according to law; and the sheriff shall, immediately after such sale, make and execute a deed to the purchaser, which deed shall convey and transfer all the estate and interest of the said corporation in the lands so taken, sold and conveyed.

Liability of land
on judgment
against company
—conveyance
thereunder.

8. The general annual meeting of the said company shall be held on the first Monday of March in every year after this present year, at some convenient place in the town of Windsor, to be appointed and duly notified to the company by the board of directors,

Annual meeting
—special mee-
tings on requisi-
tions.

Proviso.

Shareholders entitled to vote—number of votes—may vote by proxy.

Votes of directors—casting vote to president or chairman.

Appointment of first general meeting—formation of company—election of president, secretary, &c.

Proviso.

and that special meetings of the company shall be summoned by the directors when they shall deem the same necessary, or whenever a requisition in writing therefor shall be delivered to the board, signed by twenty shareholders, and specifying the object of such meeting, provided always that at least ten days' notice of such special meeting, and of the object thereof, shall be given by advertisement posted in at least three public places in or near the town of Windsor aforesaid, and that all such general or special meetings may be adjourned from time to time and from place to place as may be found expedient.

9. At any annual or special meeting of the company, each proprietor or shareholder having paid up all calls on him made, and then due and payable, shall be entitled to vote as follows, namely: the owner of one share to have one vote, the owner of four shares to have two votes, and the owner of eight shares or greater number of shares to have three votes, and no more: and the said proprietor may give such vote or votes by his proxy, duly constituted, according to the bye-laws, such proxy being a shareholder and entitled to vote, and every such vote by proxy shall be as good and sufficient to all intents and purposes, as if such proprietor voted in person; and at every meeting of the board of directors, each director shall have one vote only, and every question, matter or thing which shall be discussed or considered at any meeting of the board of directors, shall be determined by the majority of votes then given by the directors then present; and in case it should so happen that at any general or special meeting of the board of directors the votes shall be equal, then the president of the company, or in his absence, the chairman of the meeting, or of the board, shall be entitled to a casting vote, in addition to his own personal vote.

10. As soon after the passing of this act as may be convenient, and deemed expedient, the said sixteen persons first named in this act, or any three of them, shall by advertisement, to be posted in at least three public places, in or near the town of Windsor, during ten days, appoint a day and place for the first general meeting of the subscribers, and shall assemble such meeting; and a chairman thereof being chosen from among the subscribers present, with a secretary, the company hereby incorporated, shall be formed and organized, and go into operation, under this act; and the said subscribers then and there present, or their proxies, shall and may forthwith, in the manner prescribed, proceed to elect seven directors—one of whom shall be chosen by the said directors by ballot, as president—and a secretary; and the said directors and secretary so to be elected, shall hold, exercise, and enjoy and retain their respective offices, from the day of such their election, until the first annual general meeting thereafter, and thence continually until a new choice of officers be made by the company, pursuant to this act and the bye-laws of the said company: provided always, that no person shall at the said meeting, or at any subsequent meeting at which officers shall be elected, be deemed eligible to office, unless

such person shall be at the time of such election of officers, a member of some temperance society in the town of Windsor.

11. At the general annual meeting of the company in each year, the directors of the said company for the ensuing year shall be elected by ballot, in the following manner, viz: the shareholders then and there present, or their proxies, shall first elect three directors out of the seven who have served for the preceding year—provided they shall be willing again to accept office, and shall then elect four others from the shareholders of the company indiscriminately; and if all or any of the retiring directors shall refuse to be re-elected, the said shareholders shall proceed to the election of others of the company, until the full number of directors be completed.

Election of directors at annual meetings.

12. No person concerned or interested in any contract under the said company, shall be capable of being chosen, or if chosen, of continuing a director of the said company; and no person, during such time as he shall be such director, shall be capable of taking any contract under the said company.

Proviso.

13. When and so often as any director named or elected by virtue of this act shall die, or shall resign, or shall become disqualified or incompetent to act as such director before his term of office shall have expired, it shall be lawful for the remaining directors to elect some other proprietor duly qualified to fill up such vacancy.

Election of director to fill vacancy.

14. If from neglect, or any other cause the said annual general meeting should not be held, the directors last chosen shall continue to act, and have the same powers that they had and were possessed of, until the next annual general meeting, or until new directors shall be chosen or appointed as aforesaid.

Directors to act until election of new directors.

15. The directors who shall first be chosen under the provisions of this act, shall, with all convenient speed, proceed to draw up a code of bye-laws, rules and regulations, for the government of the said company, and the conduct and management of its affairs and business, and shall submit the same to be altered, amended and confirmed, by a committee selected and appointed at the first general or some other meeting of the said company, to superintend the same.

Directors to make bye laws, regulations.

16. It shall be lawful for the said company, from time to time, and as often as may be deemed necessary for the purpose of carrying on the business of the said corporation, to sell further shares herein; and every purchaser of such shares shall be entitled to all the privileges and advantages of other shareholders in the said company.

Sale of shares—privileges of purchasers.

17. The directors of the said corporation shall be authorised and empowered at any time, by and with the assent of two-thirds of the shareholders to be given in writing, at any general or special meeting regularly convened and not otherwise, to borrow on mortgage of the property belonging to the said corporation, such sums of money as may be required for the uses thereof, or absolutely to sell and dispose of the real estate and property of the said company,

Power to borrow on mortgage, sell, and convey real estate.

if deemed expedient; and the said directors are hereby authorized to convey in mortgage, any lands or real estate of the said corporation, for the purpose of securing the monies so to be borrowed, as aforesaid, or in case of an absolute sale of the said real estate, or any part thereof, to grant and convey the same, and to make the necessary deeds and conveyances for that purpose.

Proviso.

18. Nothing herein contained, shall be held or construed to give the said company the privilege of dealing in the lending of money by way of discount or otherwise, or of engaging in any banking operation whatsoever, or to effect any insurance upon any ship or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

13 Vic., chap. 35. AN ACT TO INCORPORATE A TEMPERANCE HALL COMPANY AT MAITLAND.

Passed 28th March, 1850.

Maitland temperance hall company incorporated.

1. *Be it enacted, &c.*—The following persons residing in the county of Hants, that is to say: David Frieze, Henry McDowell, Arthur McNutt Cochran, David Whidden, James Putnam, Alexander A. McDougall, James Crow, Samuel Gourley, James Sterling, William Cox, John Graham, and Alexander Roy, and such other persons as shall become proprietors of shares in the company hereby established, and their respective successors, executors, administrators and assigns, shall be a body politic and corporate, by the name of the "Maitland temperance hall company," and by that name shall have perpetual succession and a common seal, and may sue and be sued.

Company may hold real and personal estate.

2. The company may take and hold real and personal estate, and may sell, lease, mortgage or otherwise deal with the same as may be necessary, subject to the restrictions hereinafter provided, and may at any general meeting make bye-laws, and alter or amend the same, which, when not repugnant to the laws of the province, shall have force and effect.

Real estate not to exceed £3000.

3. The company shall not hold at any time real estate to a greater value than three thousand pounds.

Division of shares

4. The capital of the company shall be divided into shares of one pound each, which shall be assignable as may be provided by the bye-laws, and which, notwithstanding the company may hold real estate, shall be deemed to be personal property.

Division of personal property.

Company may sue for amount due on shares.

5. The subscribers shall pay the amounts subscribed by them towards the undertaking, at the times and places directed by the bye-laws, and if any person shall not pay the same as so directed,

the company may sue therefor; but the company shall not compel any shareholder to pay more than the amount of his shares and costs of suit.

6. The joint stock or property of the company shall be alone liable for its debts and engagements, and no shareholder shall be in any way responsible for more than the amount of the shares which he shall actually hold in the company.

Shareholders not responsible for debt beyond their shares.

7. The real estate of the company may be taken upon any writ of execution issued on a judgment entered against the company, and may be sold and conveyed by the sheriff in the same manner as in the case of the lands of private individuals.

Real estate may be sold under execution.

8. The general annual meeting of the company shall be held at the village of Maitland, on the first Monday of March in every year, after the present year,—the places of meeting to be notified to the company by the directors, by advertisement posted in at least three public places in or near the village of Maitland, for at least ten days previous to the meeting, and the directors shall summon special meetings when they deem it necessary, or whenever there shall be delivered to the board a requisition in writing therefor, signed by twenty shareholders, and specifying the object of the meeting, and ten days notice of any special meeting, and of the object thereof, shall be given by advertisement, posted in at least three public places in or near the village of Maitland; and any general or special meeting may be adjourned as may be found expedient.

Meetings of company how to be called, &c.

9. At any meeting of the company each shareholder having paid all calls on him made, then due and payable, shall be entitled to vote either in person or by proxy, as directed by the bye-laws, as follows, namely: the owner of one share shall have one vote, the owner of four shares shall have two votes, and the owner of eight or more shares shall have three votes and no more. At the meetings of the directors, each director shall have one vote only, and every question shall be decided by a majority of the votes of those present; and if the votes shall be equal, the president or in his absence, the chairman of the board shall have a casting vote in addition to his own personal vote.

Regulation of votes of shareholders at meetings.

10. As soon after the passing of this act as may be deemed expedient, the twelve persons first herein named, or any three of them shall, by advertisement, to be posted in at least three public places, in or near the village of Maitland, appoint a day and place for the first general meeting of the subscribers, and at such meeting, a chairman being chosen from among the subscribers present, with a secretary, the company shall be organized and go into operation, and shall elect seven directors who shall choose one of their number, by ballot, as president, and shall appoint a secretary— which officers shall continue in office until the first annual general meeting, and thence until a new choice of officers be made by the company; but no person shall at any time be eligible to hold office

Election of officers of company.

in the company unless he be a member of some temperance society in the county of Hants.

Directors to be annually elected by ballot.

11. At each annual meeting seven directors shall be elected by ballot, in the following manner, viz : three of the seven who have served during the past year, if willing to serve again, shall be first elected, and the remainder shall then be elected from among the shareholders indiscriminately.

Directors not to take contracts under the company.

12. No person interested in a contract under the company shall be elected a director, and no director shall take a contract under the company.

Vacancy, how filled.

13. If any director shall die, resign, or become disqualified or incompetent, the remaining directors shall, from among the shareholders, elect another director in his stead.

Directors to act until new ones appointed.

14. If in any case the annual meeting shall not be held, the directors shall continue to act until new directors are appointed.

Company may sell additional shares.

15. The company may sell additional shares, from time to time, as may be necessary, and the purchasers thereof, shall be entitled to all the privileges of shareholders.

Directors may borrow money on mortgage of real estate, or sell do.

16. The directors may with the assent of two-thirds of the shareholders to be given in writing at any general or special meeting regularly convened, and not otherwise, borrow on mortgage of the real estate of the company, such sums as may be necessary for the uses thereof, or absolutely to sell and convey the same if deemed expedient, and to execute the deeds necessary for such purpose.

Restrictions.

17. The company shall not lend money by way of discount, or otherwise engage in any banking operation, nor effect any marine, life or fire insurance.

13 Vic., chap. 49. AN ACT TO INCORPORATE A TEMPERANCE HALL COMPANY AT SYDNEY, CAPE BRETON.

Passed 28th March, 1850.

Company incorporated.

1. *Be it enacted, &c.*—The following persons residing in the county of Cape Breton, that is to say: Henry V. Brown, Alfred F. Haliburton, William Turnbull, George E. Burchell, John G. McKenzie, James P. Ward, Edward Liscomb, Donald N. McQueen, Samuel Richardson, and such other persons as shall become proprietors of shares in the company hereby established, and their respective successors, executors, administrators, and assigns, are hereby created a body corporate, by the name of "the Sydney temperance hall company," and by that name shall have perpetual succession and a common seal, and may sue and be sued.

2. The company may take and hold real and personal estate, and may sell, lease, mortgage or otherwise deal with the same, subject to the restrictions hereinafter provided, and may, at any general meeting, make bye-laws and alter or amend the same, which when not repugnant to the laws of the province, shall have force and effect.

Company may hold real and personal estate.

3. The capital of the company shall be divided into shares of one pound each, which shall be assignable as may be provided by the bye-laws, and which, notwithstanding the company may hold real estate, shall be deemed to be personal property.

Capital of the company.

4. The subscribers shall pay the amounts subscribed by them towards the undertaking at the times and places directed by the bye-laws, and if any person shall not pay the same as so directed, the company may sue therefor, but the company shall not compel any shareholder to pay more than the amount of his shares and costs of suit.

Company may sue for subscriptions.

5. The joint stock or property of the company shall be alone liable for its debts and engagements, and no shareholder shall be in any way responsible for more than the amount of the shares which he shall actually hold in the company.

Responsibility of shareholders.

6. The real estate of the company may be taken upon any writ of execution issued on a judgment entered against the company, and may be sold and conveyed by the sheriff, in the same manner as in the case of the lands of private persons.

Real estate may be taken under execution.

7. The general annual meeting of the company shall be held at the town of Sydney on the first Monday of March in every year after the present year, the place and hour of meeting to be notified to the company by public notice posted in at least three public places in or near the town of Sydney for at least ten days previous to the meeting, by the directors, who shall also summon special meetings when they deem necessary, or whenever there shall be delivered to the board a requisition therefor in writing, signed by twenty shareholders, and specifying the object of the meeting, and notices specifying the object of the meeting, and the time and place of meeting, shall be published as hereinbefore directed in the case of a general meeting.

Meetings of the company.

8. At any meeting of the company every shareholder who has paid all calls on him made, then due and payable, shall be entitled to vote either in person or by proxy, in manner as may be directed by the bye-laws as follows: the owner of one share shall have one vote, the owner of four shares shall have two votes, and the owner of eight or more shares shall have three votes.

Votes of shareholders at meetings.

9. At the meetings of the directors each director shall have one vote only, and every question shall be decided by a majority of the votes of those present, and if the votes shall be equal, the president or in his absence the chairman of the board, shall have a casting vote in addition to his own personal vote.

Votes of directors.

10. As soon after the passing of this act as may be deemed expedient the persons herein named, or any three of them, shall, by

First general meeting of company, appointment of officers at, &c.

advertisement posted for ten days previously in at least three public places in or near the town of Sydney, appoint a day and place for the first general meeting of the subscribers, and at such meeting a chairman being chosen from among the subscribers present, with a secretary, the company shall be organized and go into operation, and shall elect seven directors, who shall choose one of their number by ballot, as president, and who shall also appoint a secretary, which officers shall continue in office until the first annual general meeting, and thence until a new choice of officers be made by the company; but no person shall at any time be eligible to hold office in the company unless he be a member of some temperance society in the county of Cape Breton.

Election of directors.

11. At each annual meeting seven directors shall be chosen by ballot, in the following manner, namely: three of the seven who have served during the past year, if willing to serve again, shall be first elected, and the remainder shall then be elected from among the shareholders indiscriminately.

No one contracting with company to be a director.

12. No person interested in any contract under the company shall be elected a director, and no director shall take a contract under the company.

Vacancy in directorship how to be filled.

13. If any director shall die, resign, or become disqualified or incompetent, the remaining directors shall, from among the shareholders, elect another director in his stead.

Directors to continue in office.

14. If in any case the annual meeting shall not be held, the directors shall continue to act until new directors are appointed.

Company authorized to sell further shares.

15. The company may sell additional shares from time to time as may be necessary, and the purchasers thereof shall be entitled to all the privileges of shareholders.

Mortgage and sale of property of corporation.

16. The directors may, with the assent of two-thirds of the shareholders to be given in writing at any general or special meeting regularly convened, and not otherwise, borrow on mortgage of the real estate of the company, such sums as may be necessary for the uses thereof, or absolutely sell and convey the same if deemed expedient, and execute the deeds necessary for such purposes.

Restrictions.

17. The company shall not hold at any one time real estate beyond the value of three thousand pounds, nor lend money by way of discount or otherwise, nor engage in any banking operation, nor effect any marine, life or fire insurance.

AN ACT TO INCORPORATE THE LUNENBURG TEMPERANCE HALL 14 Vic., chap. 35.
COMPANY.

Passed 7th April, 1851.

1. *Be it enacted, &c.*—The reverend James C. Cochran, Robert Lindsay, John Joseph Rudolf, and such other persons as shall become proprietors of shares in the company hereby established, shall be a body corporate by the name of the "Lunenburg temperance hall company," for the purpose of erecting a temperance hall at Lunenburg.

Names of members.

2. The company may hold real estate not exceeding the value of two thousand pounds.

Real estate.

3. No person interested in a contract under the company shall be a director, and no director shall take a contract under the company.

Directors not to contract with company.

4. The thirteenth section of the eighty-seventh chapter of the revised laws, passed during the present session, shall not extend to the company hereby established.

Ch. 87, s. 13, not to extend to company.

AN ACT FOR THE REGULATION OF BENEFIT BUILDING SOCIETIES. 12 Vic., chap. 42.

Passed 31st March, 1849.

Whereas certain societies, commonly called building societies, have been established in different parts of the united kingdom of Great Britain, and in the provinces of Canada and New Brunswick, principally amongst the industrious classes, for the purpose of raising by small periodical subscriptions, a fund to assist the members thereof in obtaining freehold or leasehold property; and it is expedient to afford encouragement and protection to such societies and the property obtained therewith in this province:

Preamble.

1. *Be it therefore enacted, &c.*, That it shall and may be lawful for any number of persons in this province to form themselves into and establish societies, for the purpose of raising by the monthly or other subscriptions of the several members of such societies, shares not exceeding the value of one hundred and fifty pounds for each; such subscription not to exceed in the whole twenty shillings per month for each share; a stock or fund for the purpose of enabling each member thereof to receive out of the funds of such society the amount or value of his or her share or shares therein,

Formation of building societies.

And 1887 c. 110.
1903-4, c. 45

Purposes and regulations thereof.

See 1857, c. 110, 38

Proviso.

Bonus on shares and interest.

Forms of conveyances, transfers, &c.

Repealed
1853-4, c. 45, s. 2.

Submission of rules for approval by governor in council, &c. &c.

Repealed
1853-4, c. 45, s. 2.

to erect or purchase one or more dwelling house or dwelling houses, or other real or household estate—to be secured by way of mortgage to such society, until the amount or value of his or her shares shall have been fully repaid to such society, with the interest thereon, and all fines or other payments incurred in respect thereof—and to and for the several members of each society, from time to time to assemble together, and to make, ordain, and constitute such proper and wholesome rules and regulations for the government and guidance of the same, as to the major part of the members of such society so assembled together shall see fit—so as such rules shall not be repugnant to the express provisions of this act, and to the general laws of this province, and to impose and inflict such reasonable fines, penalties, and forfeitures upon the several members of any such society who shall offend against any such rules, as the members may think fit, to be respectively paid to such uses for the benefit of such society, as such society by such rules shall direct; and also from time to time to alter and amend such rules as occasion may require, or annul or repeal the same, and to make new rules in lieu thereof, under such restrictions as are in this act contained: provided that no member shall receive or be entitled to receive from the funds of such society any interest or dividend by way of annual or other periodical profit, upon any shares in such society, until the amount or value of his or her share shall have been realized, except on the withdrawal of such member, according to the rules of such society then in force. *Provided that &c &c 1857, c. 110 s. 1.*

2. It shall and may be lawful to and for any such society to have and receive from any member or members thereof, any sum or sums of money by way of bonus, on any share or shares for the privilege of receiving the same in advance, prior to the same being realized, and also any interest for the share or shares so received on any part thereof, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any act or acts of assembly relating to usury.

3. It shall and may be lawful to and for any such society, in and by the rules thereof, to describe the form or forms of conveyance, mortgage, transfer, agreement, bond, or other instrument which may be necessary for carrying the purposes of the said society into execution, and which shall be specified and set forth in a schedule to be annexed to the rules of such society, and duly certified and deposited as hereinafter provided.

4. Two transcripts, fairly written on paper or parchment, of all rules made in pursuance of this act, signed by three members, and countersigned by the secretary of any such ~~secretary~~ society, accompanied in the case of an alteration or amendment of rules, with an affidavit of the society, or one of the officers of said society, that the provisions of this act have been duly complied with, shall be submitted to the governor, lieutenant-governor, or commander in chief for the time being, and the executive council; and one of such transcripts, when approved by the governor, lieutenant-gover-

nor, or commander in chief, and executive council, with a certificate of approval, signed by the provincial secretary, shall be returned to the society, and the other of such transcripts shall be transmitted by the society to the clerk of the peace for the county wherein such society shall be formed, and shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward; and that all rules, alterations and amendments thereof, from the time when the same shall be certified by the governor, lieutenant-governor, or commander in chief for the time being, shall be binding on the several members and officers of the said society, and all persons having interest therein.

? Prov Socy

5. The rules for the management of every such society shall be entered and recorded in a book to be kept by the secretary for that purpose: which book shall be open at all seasonable times for the inspection of the members of such society, but nevertheless nothing contained herein shall extend to prevent any alteration in, or amendment of, any such rules in the whole or in part, or make any new rules for the management of such society, in such manner as by the rules of the said society shall from time to time be provided: which alterations and amendments shall nevertheless first receive the approval of the governor and council, and be recorded as aforesaid.

Rules to be recorded, and to be open to inspection.

6. All rules from time to time made and in force for the management of such society as aforesaid, and duly entered on such book as aforesaid, and approved by the governor, lieutenant governor or commander-in-chief for the time being as aforesaid, shall be binding on the members and officers of such society and the several contributors thereto, and their representatives, all of whom shall be deemed and taken to have full notice thereof by such entry and contribution as aforesaid, and the entry of such rules in such book as aforesaid, or the transcript thereof, deposited with such clerk of the peace as aforesaid, or a true copy of such transcript examined with the original and proved to be a true copy, shall be received as evidence of such rules respectively in all cases, and no certiorari or other legal process shall be brought or allowed to remove any such rules into any court of judicature of this province; and every copy of any such transcript deposited with any clerk of the peace as aforesaid, shall be made without any fee or reward except the actual expense of making such copy.

Force of rules.

Repealed
1903-4, c. 45, s. 2.

7. No rule approved by the governor, lieutenant governor or commander-in-chief for the time being, in manner aforesaid, shall be altered, rescinded or repealed unless at a general meeting of the members of such society as aforesaid convened by public notice, written or printed, signed by the secretary or president of such society, in pursuance of a requisition for that purpose by seven or more of that society, which requisition and notice shall be publicly read at the two usual meetings of such society to be held next before such general meeting, for the purpose of such alteration or repeal, unless a committee of such members shall have been nominated for

Alteration of approved rules.

Repealed
1903-4, c. 45, s. 2.

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that purpose at a general meeting of the members of such society, convened in manner aforesaid, in which case such committee shall have the like power to make such alterations or repeal, and unless such alterations or repeal shall be made with the concurrence and approbation of ~~three-fourths~~ ^{a majority} of the members of such society then and there present, or by the like proportion of such committee as aforesaid, if any shall have been nominated for that purpose.

Place of meeting ;
powers of mem-
bers, officers, &c.

Repealed
1887, c. 110, s. 2.

8. The rules of any society formed under the authority of this act shall specify the place or places at which it is intended such society shall hold its meeting, and contain provisions with respect to the powers and duties of the members at large, and of such committee or officers as may be appointed for the management of the affairs of such society: provided always that it shall and may be lawful for any such society to alter their place or places of meeting whenever they may consider it necessary, upon giving notice thereof in writing to the clerk of the peace for the county within which such society shall be held—the said notice to be given within seven days before or after such removal, and signed by the secretary or other principal officer, and also by three or more of the members of said society, and provided that the place or places at which such society intend to hold their meetings, shall be situate within the county in which the rules of the said society are enrolled.

Election of officers
—filling of vacan-
cies—security re-
quired from offi-
cers.

Repealed
1903-4, c. 45, s. 2.

9. Every such society shall and may from time to time at any of their usual meetings, or by their committee, if any such shall be appointed for that society, elect and appoint such person into the office of trustee, president, secretary, surveyor or treasurer of such society as they shall think proper, and also shall and may, from time to time, elect and appoint such other officers as shall be deemed necessary to carry into execution the purposes of such society, for such space of time and for such purposes as shall be fixed and established by the rules of such society, and from time to time to elect and appoint others in the room of those who shall vacate or die; and such trustees, treasurer, and all and every other officer or other person whatever, who shall be appointed to any office in anywise touching or concerning the receipt, management or expenditure of any sum of money collected for the purpose of any such society, before he, she or they shall be admitted to take upon him, her or them, the execution of any such office or trust, if required so to do by the rule of such society to which such officer shall belong, shall become bound in a bond, according to the form prescribed in the bye-laws, with two sufficient sureties for the just and faithful execution of such office or trust, and for rendering a just and true account, according to the rules of such society, and in all matters lawful to pay obedience to the same, in such penal sum of money as by the major part of such society at any such meeting as aforesaid shall be thought expedient and to the satisfaction of such society, and that every such bond to be given by or on behalf of such trustee or treasurer, or of any other person appointed to any other office or trust shall be given to the clerk of the peace of the county

where such society shall be established for the time being, without fee or reward; and in case of forfeiture it shall be lawful to sue upon such bond, in the name of the clerk of the peace, for the time being, for the use of the said society, fully indemnifying and saving himself, such clerk of the peace, from all costs and charges in respect of any such suit.

10. Every such society shall and may from time to time, elect and appoint any number of the members of such society to be a committee, the number thereof to be declared by the rules of every such society, and shall and may delegate to such committee all or any of the powers given by this act to be executed, who being so delegated shall continue to act as such committee for and during such time as they shall be appointed for such society for general purposes; the powers of such committee being first declared in and by the rules of such society, confirmed and filed as aforesaid; and all acts and orders of such committee under the powers so delegated to them, shall have the like force and effect as the acts and orders of such society at any general meeting thereof could or might have had in pursuance of this act: provided always, that the transactions of such committee shall be entered in a book belonging to such society, and shall be from time to time, and all times subject and liable to the review, allowance, or disallowance and control of such society, in such manner and form as such society shall by their general rules, confirmed and filed as aforesaid, have directed and appointed, or shall in like manner direct and appoint.

11. Every person who shall have or receive any part of the monies, effects or funds of, or belonging to any such society, or shall in any manner have been or shall be entrusted with the disposal, management or custody thereof, or of any securities, books, papers or property relating to the same, his or her executors, administrators and assigns respectively shall, upon demand made, or notice in writing given, or left at the last or usual place of residence of such person, in pursuance of any order of any such society or committee to be appointed as aforesaid, give in his or her account ~~at the usual meeting of such society, to be examined and allowed or disallowed by such society,~~ and shall on the like demand and notice pay over all the monies remaining in his or her hands, and assign and transfer or deliver all securities and effects, books, papers and property taken or standing in his or her name as aforesaid, and being in his or her hands or custody, to the trustees or treasurer for the time being, or to such other person as such society shall appoint, and in case of any neglect or refusal to deliver such account, or to pay over such monies, or to assign, transfer or deliver such securities and effects, books, or papers and property, in manner aforesaid, it shall and may be lawful to and for every such society in the name of the trustee or treasurer, or other principal officer thereof, as the case may be, to exhibit a petition to the supreme court of this province, or to a judge thereof in vacation, who shall and may proceed thereon in a summary way, and make

Election of committee

*Repealed
1903-4, c. 45, s. 2.
and was inserted in S. 5 as
to Board of Directors.*

Powers.

Proviso.

Accounts between individuals and society.

"Immediately to the committee or board of directors to be examined and allowed or disallowed by them"
1903-4, c. 45, s. 10.

such order therein upon hearing all parties concerned, as to such court in their discretion shall seem just, which order shall be final and conclusive, and all assignments, sales and transfers made in pursuance of such order shall be good and effectual in law, to all intents and purposes whatsoever.

Involuntary conveyances by order of court.

12. When and so often as any person seized or possessed of any lands, tenements or hereditaments, or other property, or any estate or interest therein as a trustee of any such society, shall be out of the jurisdiction of, or not amenable to, the process of the supreme court of this province, or shall be idiot, lunatic, or of unsound mind, or it shall be unknown or uncertain whether he or she be living or dead, or such person shall refuse to convey, or otherwise assure such lands or tenements, hereditaments or property, or estate or interest, to the person duly nominated as trustee of such society in their stead, either alone, or together with any continuing trustee, as occasion shall require, then, and in every or any such case, it shall be lawful for the said court, or one of the judges thereof in vacation, to appoint such person as to such court or judge shall seem meet, on behalf and in the name of the person seized or possessed, as aforesaid, to convey, surrender, release, assign or otherwise assure the said lands, tenements, hereditaments or property, or estate, or interest, to such trustee so duly nominated as aforesaid; and every such conveyance, release, surrender, assignment or assurance, shall be as valid and effectual to all intents and purposes as if the person being out of the jurisdiction or not amenable to the process of the said court, or not known to be alive, or having refused, or as if the person being idiot, lunatic or of unsound mind, had been at the time of the execution thereof of sane mind, memory and understanding, and had by himself or herself executed the same.

Title to real property, monies, &c. vested in officers of society.

13. All real and heritable property, monies, goods, chattels and effects whatever, and all titles, securities for money, or other obligatory instruments and evidences, or muniments, and all other effects whatever, and all rights or claims belonging to or had by such society, shall be vested in the trustees or treasurer of such society for the time being, for the use and benefit of such society, and the respective members thereof, their respective executors or administrators, according to their respective claims and interests; and after the death or removal of any trustee or treasurer, shall vest in the succeeding trustee or treasurer for the same estate or interest, as the former trustee or treasurer had therein, and subject to the same trusts, without any assignment or conveyance whatever, and also for all purposes of action or suit, as well criminal as civil, in law or in equity, or in any wise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding, where necessary, be stated to be the property of the person appointed to the office of trustee or treasurer of such society for the time being, in his or her proper name, without further description; and such person shall, and he or she is hereby respectively

Institutions and defence of suits relative thereto, &c. &c.

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authorized to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or in equity, touching or concerning the property, right or claim aforesaid, of or belonging to, or had by such society—provided that such person shall have been thereunto duly authorized by the consent of the majority of members present at any meeting of the society or committee, and such person so appointed shall and may in all cases concerning the property, right or claim aforesaid of such society, sue and be sued, plead and be impleaded, in his or her proper name, as trustee or treasurer of such society, without other description; and no such suit, action or prosecution, shall be discontinued or abate by the death of such person, or his or her removal from the office of trustee or treasurer, but the same shall and may be proceeded in by the succeeding trustee or treasurer, in the proper name of the person commencing the same, any law, usage or custom to the contrary notwithstanding; and such succeeding trustee or treasurer shall pay or receive like costs as if the action or suit had been commenced in his or her name, for the benefit of, or to be reimbursed from the funds of said society.

14. The trustee or treasurer, or any officer of any society established under the authority of this act, shall not be liable to make good any deficiency which may arise in the funds of such society, unless such persons shall have respectively declared by writing under their hands deposited and registered in like manner, with the rules of this society, that they are willing so to be answerable: and it shall be lawful for each of such persons, or for such persons collectively, to limit his or her responsibility to such sum as shall be specified in any such instrument or writing: provided always, that the said trustee or trustees and treasurer, and every the officer of any such society shall be, and they are hereby declared to be personally responsible and liable for all monies actually received by him, her or them, on account of, or to, or for the use of the said society.

Liability of officers for deficiency in funds.

Proviso.

15. Whenever the trustees of any society established under this act, at any time after the decease of any member, have paid and divided any sum of money to or amongst any person or persons, who shall at the time of such payment appear to such trustees to be entitled to the effects of any deceased intestate member—the payment of any such sum or sums of money, shall be valid and effectual with respect to any demand of any other person or persons, as next of kin of such deceased intestate member against the funds of such society, or against the trustees thereof; but nevertheless such next of kin or representative shall have remedy for such money so paid as aforesaid, against the person or persons who shall have received the same.

Payment of money of deceased intestate members.

16. In case any member of any society shall die, who shall be entitled to any sum not exceeding twenty pounds, it shall be lawful for the trustees or treasurer of such society, and they are hereby authorized and permitted, if such trustees or treasurer shall

Payment when sum does not exceed £20.

be satisfied that no will was made and left by such deceased member, and that no letters of administration will be taken out of the funds, goods and chattels of such depositor, to pay the same at any time after the decease of such member, according to the rules and regulations of the said society, and in the event of there being no rules and regulations made in that behalf then the said trustees or treasurer are hereby authorized and permitted to pay and divide the same to and amongst the person or persons entitled to the effects of the deceased intestate, and that without administration.

Remedy against persons fraudulently obtaining funds of societies.

17. For the more effectually preventing fraud and imposition on the funds of such societies, if any officer, member or any other person, being or representing himself or herself to be a member of such society, or the nominee, executor, administrator or assignee of any member of such society, or any other person whatever shall, in or by any false representation or imposition, fraudulently obtain possession of the monies of such society, or any part thereof, or having in his or her possession any sum of money belonging to said society, shall fraudulently withhold the same, and for which offence no especial provision has been made in the rules of such society, it shall be lawful for any one justice of the peace residing within the county within which such society shall be held, upon complaint made upon oath by an officer of such society, to summon such person against whom such complaint shall be made, to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof upon oath of the service of such summons, it shall and may be lawful for any two justices residing within the county aforesaid, to hear and determine the said complaint according to the rules of the said society, confirmed as directed by this act; and upon due proof of such fraud, the said justices shall commit the said party, and award double the amount of the money so fraudulently obtained or withheld, to be paid to the treasurer, to be applied by him to the purposes of the society so proved to have been imposed upon and defrauded, together with such costs as shall be awarded by the said justices, not exceeding the sum of ten shillings; and in case such person against whom such complaint shall be made shall not pay the sum of money so awarded to the person, and at the time specified in the said order, such justices are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress and sale of goods of such person on whom such order shall have been made, or by other legal proceeding, together with such costs as shall be awarded by the said justices, not exceeding the sum of ten shillings, and also the costs and charges attending such distress and sale, or other legal proceeding, returning the overplus, if any, to the owner; and on default of such distress being found, the said justices of the peace shall commit such person so proved to have offended to the county gaol for such a period not exceeding three calendar months, as to them shall seem fit: provided nevertheless, that nothing herein contained shall prevent the said society from proceeding by

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indictment or complaint against the party complained of: and provided also, that no party shall be proceeded against by indictment or complaint if a previous conviction has been obtained for the same offence under the provisions of this act.

18. Provision shall be made by one or more of the rules of every such society to be confirmed as required by this act, specifying whether a reference of every matter in dispute between any such society, or any person acting under them, and any individual member thereof, or persons claiming on account of any member, shall be made to such of her majesty's justices of the peace as may act in and for the county in which such society may be formed, or to arbitrators to be appointed in manner hereinafter directed; and if the matter so in dispute shall be referred to arbitration, certain arbitrators shall be named and elected at the first meeting of such society or committee thereof that shall be held after the enrolment of its rules, none of the said arbitrators being beneficially interested, directly or indirectly, in the funds of the said society, of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute—the number of the said arbitrators and mode of ballot being determined by the rules of each society respectively, the names of such arbitrators shall be duly entered in the book of the said society in which the rules are entered as aforesaid; and in case of the death or refusal, or neglect of any or all of the said arbitrators to act, it shall and may be lawful to and for the said society or committee thereof, and they are hereby required at their next meeting to name and elect one or more arbitrator or arbitrators aforesaid, to act in the place of the said arbitrator or arbitrators so dying, or refusing or neglecting to act as aforesaid; and whatever award shall be made by the said arbitrators or the major part of them, according to the true purport and meaning of the rules of such society, confirmed by the justices according to the directions of this act, shall be in the form prescribed by the bye-laws, and shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without appeal, or being subject to the control of one or more justices of the peace, and shall not be removed or removeable into any court of law, or restrained or restrainable by the injunction of any court of equity; and should either of the said parties in dispute refuse or neglect to comply with, or conform to the decision of the said arbitrators, or the major part of them, it shall and may be lawful for any one justice of the peace residing within the county within which such society shall be held, upon good and sufficient proof being adduced before him of such award having been made, and of the refusal of the party to comply therewith, upon complaint made by or on behalf of the party aggrieved, to summon the person against whom such complaint shall be made, to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof upon oath, of the service of such summons, any two justices of the peace may pro-

Rules to be provided for submission of differences to justices of peace and arbitration

Repealed
1763-4, c. 45, s. 2.

bound of character
x 1763-4, c. 45, s. 9

Election of arbitrators, &c. &c.

Enforcement of awards, &c. &c.

ceed to make such order thereupon as to them may seem just; and if the sum of money so awarded, together with a sum for costs, not exceeding the sum of ten shillings, as to such justices shall seem meet, shall not be immediately paid, then such justices shall by warrant under their hands and seals cause such sum and costs as aforesaid to be levied by distress or distresses and sale of the monies, goods, chattles, securities, and effects belonging to the said party or to the said society, or other legal proceeding, together with all further costs and charges attending such distress and sale, or other legal proceedings, returning the overplus, if any, to the said party or to the said society, or to one of the trustees or treasurer thereof; and in default of such distress being found, or such legal proceeding being ineffectual, then to be levied by distress and sale of the proper goods of the said party, or of the said society so neglecting or refusing as aforesaid, by other legal proceedings, together with such further costs and charges as aforesaid, the overplus, if any, to the owner: provided always, that when the rules of any society provide for a reference to arbitrators of any matter in dispute, and it shall appear to any justice of the peace on the complaint on oath of a member of any such society, or of any person claiming on account of such member that application has been made to such society, or the trustee or treasurer, or other officer thereof, for the purpose of having any dispute so settled by arbitration, and that such application has not, within forty days, been complied with, or that the arbitrators have neglected or refused to make any award, it shall and may be lawful for such justice to summon the trustees, treasurer, or other officer of the society, or any of them against whom the complaint is made, and for any two justices to hear and determine the matter in dispute, in the same manner as if the rules of the said society had directed that any matter in dispute should be decided by justices of the peace, anything herein contained to the contrary thereof notwithstanding.

Proviso.

Proceedings before justices.

Repealed
1903-4. c. 45, s. 2.

19. If by the rules of any such society it is directed that any matter in dispute as aforesaid shall be decided by justices of the peace, it shall and may be lawful for any such justice, on complaint being made to him of any refusal or neglect to comply with the rules of such society by any member or officer thereof, to summon the person against whom such complaint shall be made, to appear at a place and time to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof on oath of the service of such summons, it shall and may be lawful for any two justices to proceed to hear and determine the said complaint according to the rules of the said society; and in case the said justices shall adjudge any sum of money to be paid by such person against whom such complaint shall be made; and if such person shall not pay such sum of money to the person, and at the time specified by such justices, they shall proceed to enforce their award in the manner hereinbefore directed to be used in case of neglect to comply with the decision of the arbitrators appointed under the authority of this act.

20. A minor may become a member of any such society, and shall be empowered to execute all instruments, give all necessary acquittances, and enjoy all the privileges, and be liable to all the responsibilities appertaining to members of matured age, notwithstanding his or her incapacity or disability in law to act for himself or herself: provided always that such minor be admitted into such society by and with the consent of his or her parents, master or guardians, *and also provided that no such minor* *re. re. 1903-4, c. 45, s. 11*

Minors may become members.

21. The rules of every society shall provide that the trustees, treasurer, or other principal officer thereof, shall once in every year at least, prepare or cause to be prepared, a general statement of the funds and effects of or belonging to such society, specifying in whose custody or possession the said funds or effects shall be then remaining, together with an account of all and every the various sums of money received and expended by or on account of the said society since the publication of the preceding periodical statement, and every such periodical statement shall be attested by two or more members of such society appointed auditors for that purpose, and shall be countersigned by the secretary of such society; and every member shall be entitled to receive from the said society a copy of such periodical statement, on payment of such sum as the rules of such society may require, not exceeding the sum of sixpence.

22. On the trial of any action, indictment or other proceeding respecting the property of any society enrolled under the authority of this act, or in proceedings before any justice of the peace, any member of such society shall be a competent witness, and shall not be objected to on account of any interests he may have as such member, in the result of such action, indictment or other proceeding.

Members competent as witnesses.

23. It shall be lawful for the trustees named in any mortgage made on behalf of such societies, or the survivor or survivors of them, or for the trustees for the time being, to endorse upon any mortgage or further charge given by any member of such society to the trustees thereof for monies advanced by such society to any member thereof, a receipt for all monies intended to be secured by such mortgage or further charge, which shall be sufficient to vacate the same, and vest the estate of and in the property comprised in such security in the person or persons for the time being entitled to the equity of redemption, without it being necessary for the trustees of any such societies to give any re-conveyance of the property so mortgaged: which receipt shall be specified in a schedule to be annexed to the rules of such society, duly certified and deposited as aforesaid.

Discharge of members.

Repealed
1903-4, c. 45, s. 2.

24. Nothing herein contained shall authorize any building society established under this act, to invest its funds, or any part thereof, in any savings' bank.

Funds not to be invested in savings bank. *Repealed*
1903-4, c. 45, s. 2.

25. All building societies hereafter to be established, shall be entitled to the protection and benefit of this act; but no such society shall be entitled thereto until their rules shall have been certified and deposited in the manner hereinbefore directed by this act.

Societies hereafter established subject to act.

Construction of terms.

26. Wherever in this act in describing or referring to any person, the word importing the singular number or the masculine gender only is used, the same shall be understood to include, and shall be applied to several persons or parties, as well as one person or party, and females as well as males, unless there be something in the subject or context repugnant to such construction.

Alteration or repeal of act.

27. This act may be altered, amended or repealed, at the present or any future session of assembly.

6 Vic., chap. 50. AN ACT RELATING TO CERTAIN LANDS BELONGING TO HER MAJESTY, AND FOR VESTING THE TITLE TO THE SAME IN THE PRINCIPAL OFFICERS OF HER MAJESTY'S ORDNANCE DEPARTMENT.

Passed 29th March, 1843.

Preamble.

Whereas divers messuages, lands, tenements, estates and other hereditaments in this province have at various times been set apart from the crown reserves and estates, and placed under the charge of the officers of the department of her majesty's ordnance, or of the governor or lieutenant governor respectively for the time being, for military defence. And whereas divers other messuages, lands, tenements, estates, and other hereditaments in this province have at various times been purchased for the use of the department of her majesty's ordnance, or for military defence, and have been conveyed to, or to several different persons in trust for her majesty and her royal predecessors, and her and their heirs and successors, and the same have been placed under the charge of the said department, or of the governor, lieutenant-governor, or commander of her majesty's forces in this province. And whereas it may be expedient that such parts of the said messuages, lands, tenements, estates and other hereditaments, as may not be wanted for the service of the said department or for military defence, should, from time to time, be also sold and disposed of. And whereas for effectuating such sales it is necessary that all and every the said messuages, lands, tenements, estates and other hereditaments, so already set apart or placed under charge, or purchased and occupied by or for the service of the said ordnance department; and all other messuages, lands, tenements, estates and other hereditaments, that may be hereafter purchased, or in any manner used and occupied by or for the service of the said department, should be vested in the principal officers of her majesty's ordnance for the time being.

Lands, &c., set apart for military defence, &c., to vest in the prin-

1. *Be it therefore enacted, &c.,* That immediately from and after the passing of this act, all messuages, lands, tenements, estates and other hereditaments, which have been heretofore set

apart from the crown reserves and estates, and placed under the charge of the officers of the said ordnance department, or of the governor or lieutenant-governor respectively for the time being, for military defence, or which have been heretofore purchased or taken by or in the name of, or by any person or persons in trust for her majesty, or her royal predecessors, and her or their heirs and successors, for the use or service of the said ordnance department, or for military defence, or which have been used or occupied for those services, by whatever mode of conveyance the same shall have been so purchased or taken, either in fee or for any life or lives, or any term or terms of years, or any other or lesser interest; and all erections and buildings which now are or which shall or may be hereafter erected and built thereon, together with the rights, members, easements and appurtenances to the same respectively belonging, shall be, and become, and remain and continue vested in the principal officers of her majesty's ordnance in Great Britain for the time being, and their successors in the said office, according to the respective nature and quality of the said messuages, lands, tenements, estates and other hereditaments, and the several estates and interests of and in the same hereditaments respectively, in trust for her majesty, her heirs and successors, for the service of the said ordnance department, or for such other public service or services as the said principal officers, or their successors in the said office, shall from time to time order and direct.

Principal officers of her majesty's ordnance in Great Britain, and their successors.

2. From and after the purchase and conveyance, grant or demise, or taking thereof, all other messuages, lands, tenements, estates and other hereditaments, which shall at any time or times hereafter be purchased by the principal officers of her majesty's ordnance for the time being, or by any other person or persons, by their order, or be placed under their charge for the service of the said ordnance department; and all erections or buildings which shall then, or which may thereafter be erected and built thereon, with the rights, members, easements and appurtenances to the same respectively belonging, by whatever mode of conveyance, either into or in the name of, or in trust for her majesty, her heirs and successors, or howsoever otherwise the same shall be purchased or taken, shall in like manner be and become, and remain and continue vested in the said principal officers of her majesty's ordnance for the time being, and their successors in the said office, according to the nature and quality of the said messuages, lands, tenements, estates and other hereditaments, and the several and respective estates and interests of, and in the same respectively, in trust as aforesaid.

Lands, &c. purchased by the principal officers of her majesty's ordnance to vest in them and their successors.

6 Vic., chap. 10. AN ACT TO REPEAL THE ACT FOR SETTLING TITLES IN A CERTAIN TRACT OF LAND IN CAPE BRETON, CALLED THE MIRE GRANT, AND TO SUBSTITUTE OTHER PROVISIONS IN LIEU THEREOF.

Passed 29th March, 1843.

Preamble.

Whereas in the year of our Lord one thousand seven hundred and eighty-seven, Joseph Frederick Wallez Desbarres, esquire, then governor of the island of Cape Breton, the said island being at that time a separate and independent colony, did by certain letters patent, grant a certain tract of land in the said island, containing one hundred thousand acres to one hundred grantees, on certain conditions, for the improvement and settlement thereof, and of payment of rent at certain times, and of bearing allegiance to the sovereign of Great Britain; and upon breach of such conditions the said letters patent were to become void, as in and by the said letters patent which are recorded in the registry of the former government of Cape Breton, in book A, pages two hundred and six, two hundred and seven, and two hundred and eight, will on reference thereto fully and at large appear. And whereas the condition contained in the said letters patent were not, in all cases complied with, nor was any ownership exercised by some of the said grantees over the said tract of land, and in the year of our lord one thousand eight hundred and one, certain of the said grantees who were resident in the said island, being convinced of the impossibility of effecting a division of said grant, unanimously prayed the government then existing in the said island to cause the said grant to be repealed, and the said tract of one hundred thousand acres to be escheated, so that the said grantees thereof might obtain separate grants of their original shares, and thereupon such proceedings were had before the then governor, lieutenant-general Despard and the council of said island, that upon the finding of a jury empannelled to enquire whether the conditions of the said letters patent had been complied with, it was adjudged that the said tract of land was liable to forfeiture, and was escheated. And whereas it is doubted whether the said escheat was legal, and whether certain grants of portions of the said tract of land subsequently passed founded upon the said escheat, and passed by the government of said island, convey any legal titles to the grantees thereof. And whereas upwards of one thousand three hundred persons are settled on said tract of land, and now claim to own fifty-five thousand and ninety acres of said tract, of which three thousand and sixty-four acres are cultivated, and there are thereon built and erected nearly six thousand houses and barns, and the said settlers on the said tract have now thereon two thousand two hundred and three heads of neat cattle. And whereas from the situation of the said tract of land, and the

uncertainty attending the title and ownership thereof, the neglect of the grantees and other causes, it has become of great importance to the settlers and actual occupants of different parts thereof that the claims of all parties interested in the said tract should be defined and settled, and that all persons actually settled on the said lands for a certain period of time may be firmly and certainly established under legal titles in their just portions of the same, and that the remainder of the said tract may be placed in a situation for legal and useful settlement and cultivation, and tranquility be thereby established, and litigation and confusion avoided. And whereas the carrying into effect the provisions of a certain act passed in the second year of her present majesty's reign, for settling titles in the said tract, would be attended with enormous expense and other inconveniences, and it is therefore expedient to repeal the said act, and to substitute other provisions in lieu thereof:

1. *Be it enacted, &c.—Repeals 2 Vic., chap. 33.*

2. All persons who shall have gone into, and now are in the actual possession of any lands or tenements in the said tract called the Mire grant, under and by virtue of the said letters patent of the said Joseph Frederick Wallet Desbarres, and all persons who shall have gone into, and now are in the actual possession of any lands or tenements in the said tract, under a title derived from any of the grantees under the said letters patent, shall respectively have, hold and enjoy all such lands and tenements to them, their heirs and assigns forever, in fee simple; or in case of any such derivative title, then such estate or estates in any such lands or tenements as may have been conveyed or passed, or intended to be conveyed or passed under and by virtue thereof, any want of legal form in the said letters patent, or any conveyance thereunder, or any want of partition or division of the said tract among the said grantees, or any forfeiture by reason of non-compliance with the terms, conditions or limitations of the letters patent, or any repeal thereof, and escheat of the said lands thereby granted, or any further or other proceedings whatsoever in relation thereto notwithstanding.

3. All grants, letters of license, warrants of survey, or other titles whatsoever in any lands or tenements in the said tract derived from the crown subsequently to the alleged repeal of the said letters patent of the said Joseph Frederick Wallet Desbarres, and escheat of the said lands, are hereby confirmed and made valid for the purpose for which they were respectively intended; and all persons claiming thereunder are hereby declared to have a good, legal and valid title to such lands or tenements, any illegality or defect in the repeal of the aforesaid letters patent, or of the escheat thereon as aforesaid, or any want of form in any such title, or otherwise, to the contrary notwithstanding.

4. All persons now in the possession of any lands or tenements in the said tract, claiming to hold the same under and by virtue of a possession in themselves, or those under whom they claim prior to the passing of the said letters patent, in whatsoever way or man-

Act 2 Vic., repealed.

Persons in possession of lands under the letters patent of J. F. W. Desbarres to hold the same.

All grants, &c. derived from the crown confirmed.

Persons in possession of lands prior to the letters patent to hold them.

ner, and whether by virtue of any title or otherwise, such possession may have commenced, shall respectively have, hold and enjoy, all such lands and tenements in fee simple, or such other estate or estates therein, as may have passed, or been intended to pass, in and by any conveyance or transfer thereof, any thing in this act contained to the contrary notwithstanding.

Persons holding
for twenty years
adverse to gran-
tees to retain pos-
session.

5. All persons now in the actual possession of any lands or tenements in the said tract, and of which such person or such persons, and those under whom they claim, may have been in the actual possession for twenty years previous to the passing of this act, holding the same adverse to persons claiming title thereto under any of the aforesaid grants, letters patent, licenses of occupation or warrants of survey, or otherwise howsoever, or holding the same to the exclusion of any person or persons jointly interested therein, shall respectively have, hold and enjoy, all such lands and tenements to them, their heirs and assigns, forever, in fee simple, or such other estate or estates therein as may have passed to them, or any of them, under any subsequent conveyance or transfer thereof.

The residue of the
lands to be vested
in her majesty.

6. The title in and to all the rest, residue and remainder of the lands in the aforesaid tract called the Mire grant, not hereinbefore mentioned and allotted, shall be and become, and is hereby declared to be vested in her majesty, her heirs and successors, all or any grant or grants, conveyance or conveyances, acts, matters or proceedings whatsoever to the contrary notwithstanding: provided always that it shall and may be lawful for the governor, lieutenant governor or commander-in-chief for the time being, by and with the advice of the executive council, to take into consideration the equitable claims of all persons now in possession of any part of such residue of the said tract of land, and to order and direct, if he shall see fit so to do, a free grant or grants, or a grant or grants, for a less price than might otherwise be required and obtained for such lands of the same or any part thereof to be made and passed to any such person or persons so in possession as aforesaid.

Proviso.

In case of a con-
flict of title, to be
settled by the go-
vernor and coun-
cil.

7. In case of any conflict of title between persons holding under titles derived from the crown, or by virtue of a possession for twenty years or upwards, in and to any part of the said land, under the provisions of this act, it shall and may be lawful for the governor, lieutenant-governor or commander-in-chief, by and with the advice of the executive council, to settle such conflicting claims upon equitable principles, and in such a manner as shall appear right; and such settlement so made shall be final between the parties.

Suspending
clause,
Queen's assent
given.

8. Nothing in this act contained shall be of any force or effect until her majesty's pleasure be signified thereon.

AN ACT FOR SETTLING TITLES TO LAND IN THE ISLAND OF CAPE BRETON. 13 Vic., chap. 41.

Passed 28th March, 1850.

1. *Be it enacted, &c.*—All the laws, statutes, ordinances, customs and usages, which prevailed in the island of Cape Breton, between the year one thousand seven hundred and eighty-four, and the year one thousand eight hundred and twenty, from the date when a legislature was granted to the island of Cape Breton, distinct from the legislature of Nova-Scotia, to the date of the annexation of the island of Cape Breton to Nova-Scotia, are hereby declared to have been in full force and effect during such period, and all decisions thereunder and in conformity therewith, are declared legal and shall be maintained for the government of the descent, distribution and conveyance of real and personal estate.

Laws, &c. of Cape Breton, from 1784 to 1820 declared to have been in force during such period.

AN ACT TO CONFIRM TITLES TO LAND IN CAPE BRETON.

13 Vic., chap. 41.

Passed 28th March, 1850.

1. *Be it enacted, &c.*—All persons who may have gone into possession of any lands and tenements in the island of Cape Breton under a crown lease, or under a title derived from a lessee of the crown holding under such crown lease, shall respectively have, hold and enjoy all such lands and tenements in fee simple, or in case of such derivative title, then they shall hold such a title in any such lands or tenements as may have been conveyed or passed, or intended to have been conveyed or passed under and by virtue thereof: provided always that in any such derivative title the original lessee shall have fully assigned, conveyed or demised his whole interest or title in such lands; and provided also that where any grants under the great seal of the province shall have passed, of lands previously contained in a crown lease to a different party than the lessee, or any one claiming under him, the grantee or any one claiming under him, being in actual possession, shall be held to have the superior title, if such grants shall have passed ten years or upwards, before the passing of this act; and provided also, that nothing herein contained shall extend to the general mining association, or other lessees of any mines or minerals in the island of Cape Breton.

Titles confirmed.

Proviso.

2 Vic., chap. 15. AN ACT FOR APPOINTING TRUSTEES FOR PUBLIC PROPERTY IN THE TOWN OF PICTOU.

Passed 30th March, 1839.

Governor to appoint three persons to be masters of public property at Pictou.

Declared to be a body politic and corporate.

All lands and tenements, &c. vested in the trustees.

1. *Be it enacted, &c.*, That upon the application, and by the consent and request of the justices, or the majority of the justices of the peace for the county of Pictou, with the concurrence of the grand jury, at any general sessions of the peace, duly entered on record, and certified to the governor, lieutenant-governor or commander-in-chief for the time being, it shall and may be lawful for the said governor, lieutenant-governor or commander-in-chief for the time being to nominate, appoint and commission three fit and proper persons, inhabitants of the county of Pictou, to be trustees of public property in Pictou, which said three persons when so nominated, appointed and commissioned, and such persons as may be appointed from time to time to succeed them, in manner as hereinafter mentioned, shall be and are hereby declared to be a body politic and corporate, in name and in deed, under the name of "the trustees of public property in Pictou," and by that name shall have succession and a common seal, and sue and may be sued, defend and be defended, implead and be impleaded, in all or any court or courts of law or equity.

2. When and so soon as such trustees shall have been so nominated, commissioned and appointed as aforesaid, all and singular such lands, tenements, hereditaments and real estate whatsoever, which shall have been conveyed, granted, reserved, or by any deed or written conveyance or instrument, may have been dedicated, or may have been obtained, purchased or procured, or for twenty years or upwards shall have been used to or for public purposes in the said town, whether for public slips or landing places, or for public markets, or for the site of any court-house or jail, or public market, with the houses, buildings and appurtenances thereon or thereto belonging, shall be and become vested in and absolutely transferred to the said trustees; and all such lands, tenements, hereditaments and real estate, to be hereafter procured, purchased or obtained for public purposes in the said town of Pictou, shall be conveyed to, and in like manner be vested in and transferred to the said trustees for the time being, who shall hold such lands, tenements, hereditaments and real estate, as are hereby declared to be vested and transferred to them, to and for the common use and benefit of the public, and for the purposes to which the same may have been heretofore applied, or been conveyed or dedicated, or for which the same may have been or may be procured, purchased or obtained: provided always, that nothing herein contained shall extend or be construed to extend to deprive any person or persons, or body politic or corporate, of any interest, property, possession

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or right, which may have been acquired by such person or persons, or body politic or corporate, under and by virtue of the several statutes of limitations in force in this province, or any of them, previous to the passing of this act.

3. Nothing herein contained shall extend to or affect any burial ground, place or places of worship, college, academy, school or lands belonging thereto, or any piece, parcel or lot of land belonging to any religious society or congregation within the said town.

Nothing herein contained to extend to effect any burial ground, place of worship, college, academy, &c.

4. Whenever any vacancy shall occur in such trust hereby created, by the death, resignation or absence from the province of any trustee, for two years, it shall and may be lawful for the governor, lieutenant-governor or commander-in-chief for the time being, to nominate, appoint and commission some fit and proper person, being an inhabitant of the said county, to supply such vacancy, so as the number of the said trustees may always be three.

The governor, &c. to supply vacancies in trustees.

And whereas it is the intention of this act to provide for the support and protection of the title of such public property, but not to interfere with the control of the court of general sessions over the same :

Not to extend to interfere with the control of court of sessions.

5. All such lands, tenements, hereditaments and real estate, shall be under the control of the justices of the peace for the county of Pictou, and shall be leased and managed by such trustees in such way and manner as by such justices at any general sessions of the peace, may from time to time be directed.

The trustees to act under the direction of the justices of the peace.

6. All charges and expenses by the said trustees so incorporated, incurred in or about the said trust, or the affairs, business, proceedings or management thereof, or in the prosecution or defence of any actions or suits, touching the public objects of the trust, shall, when examined and allowed by the said grand jury, be presented, assessed, levied and paid in like manner as other public county charges and expenses.

The charges and expenses of trustees when allowed by the grand jury to be assessed as county charges.

AN ACT CONCERNING TOWN PROPERTY IN DARTMOUTH.

13 Vic., chap. 63.

Passed 28th March, 1860.

1. *Be it enacted, &c.*—After the first annual town meeting in the township of Dartmouth, three trustees of public property shall be chosen, in whom shall be vested the legal possession of the several water lots that have been reserved for the use of the public along the shores of the town plot of Dartmouth, and of a certain lot of land and school house now known and distinguished as the school lot, lying in the town plot, to be recovered, held and preserved by

Three trustees of public property to be chosen for the township of Dartmouth—their duties, &c.

the trustees for the uses to which the same respectively have been reserved and applied, but the school house and school lot shall be preserved exclusively to the use of schools and education, and nothing herein shall exclude the possession and control of the trustees to be appointed under the act passed in the present session for the support of schools if the school house and lot might otherwise come under the control of such trustees.

All other public property in Dartmouth not under the claim of any person to be vested in trustees.

2. Any other public property in the township of Dartmouth not legally possessed by or under the charge and supervision of any person, shall also be legally vested in the trustees appointed under this act, to be recovered held and preserved by them for the uses for which the same have been granted, reserved or appropriated.

Trustees to be appointed at annual meeting.

3. Three trustees shall be annually thereafter appointed at each annual town meeting of the township, and in case of any failure in such annual appointment the trustees in office shall continue until another legal election shall take place.

Inhabitants at meeting may declare for what purposes property shall be applied.

4. The inhabitants, in town meeting, at any time may declare the purposes to which the town property shall be applied by the trustees, provided those purposes shall not be inconsistent with the uses to which the property has been granted, reserved or legally appropriated.

Governor may appoint trustees.

5. The governor in council may appoint three trustees for the purposes of this act to remain in office until the next annual town meeting in Dartmouth.

29 Geo. 3, chap 6 AN ACT TO ENABLE THE INHABITANTS OF THE TOWN PLOT OF DARTMOUTH TO USE AND OCCUPY THE COMMON FIELD, GRANTED THEM BY HIS EXCELLENCY THE LIEUTENANT-GOVERNOR, IN SUCH WAY AS THEY MAY THINK MOST BENEFICIAL TO THEM.

Preamble.

Whereas his excellency the lieutenant-governor hath granted a certain tract of land adjoining to the town plot of Dartmouth, to the inhabitants thereof for the time being, for the purpose of a common field, for feeding cattle, &c., and as the intention of said grant cannot be carried into effect, without the aid of a law for that purpose :

Proprietors to meet once a quarter, on the order of the trustees.

1. *Be it therefore enacted, &c.*, That it shall and may be lawful for the proprietors and persons interested in said common field, to assemble in such place in said town, as the trustees named in said grant shall appoint, once in every quarter of a year, and one or more of said trustees are hereby empowered to grant an order for such meeting, directed to one of the constables for the district of Dartmouth, requiring him to notify the proprietors, and

others interested in said common field, of the meeting, and the time and place for the same, which notification shall be given in writing posted up in some public place within the town aforesaid, five days before the day appointed for the meeting, and such and so many of the proprietors and persons interested in said common field, who shall be assembled and meet accordingly, shall have power by a majority of votes, to choose a clerk to enter and record all votes and orders that from time to time shall be made and passed in said meeting respecting the said field and the management thereof, who shall be sworn to the faithful discharge of his office, and also to pass orders for the managing and improving said common field.

Empowered to choose a clerk to enter and record all votes and orders relative to the common.

And for the better enabling the said proprietors and persons interested in said common field, to fence and improve the same :

2. The proprietors and persons interested in said common field that by either of the trustees for the time being may sue, commence and prosecute any suits or actions, respecting the management of said common field, in any court proper to try the same, and in like manner to defend all such suits and actions that shall be commenced against them, and the said proprietors and persons interested in said common field are hereby empowered at their quarterly meetings to order the raising of any suitable sum or sums of money, that shall be by them thought sufficient to carry on and prosecute, or defend any actions or suits that may be brought by or against them, or for the carrying on or managing any affairs relating to the said common field, and to appoint three of the proprietors aforesaid, to proportion such sum or sums, as shall be thought necessary to be raised for the ends and uses aforesaid, upon the proprietors and persons interested therein, and to appoint a collector or collectors to gather in and collect the same, which collector or collectors shall be and are hereby fully authorized and empowered to levy and collect the sum or sums set and apportioned for such proprietors, to pay, in the same manner as the collector or collectors in the town of Halifax are empowered to collect the public taxes; and to pay in the same to the clerk of said meeting, who is hereby empowered to grant warrants for levying and collecting such assessments at such times as shall be by them appointed for the payment thereof; and such clerk shall be accountable to said proprietors therefor, and the person so assessing, and the collector or collectors that shall be appointed, shall be under oath for the faithful performance of their services respectively.

Trustees to sue or defend suits for proprietors, respecting the common.

Mode of raising money for defraying expense of law suits, &c.

3. The proprietors and persons interested in said common field at a meeting warned as by this act directed, and assembled, shall and may have power by a majority of votes of the persons then assembled, to make and pass such orders for fencing and improving of said common field as by them shall be thought proper and convenient, and to annex penalties on the breach and non-observance of such orders; provided such penalties do not exceed fifteen shillings for one offence: provided also, that such orders so made are not repugnant to the general laws of the province; said penalties to

Fencing of common.

Rules and orders relative to the fence of the said

common not to be repugnant to the laws of the province.

Proprietors or trustees not to alienate the common, or to levy the taxes on such proprietors as do not use the common.

be recovered before any of his majesty's justices of the peace for the county of Halifax, and to be disposed of as said proprietors shall order or direct, any law, usage or custom to the contrary notwithstanding: provided always, that this act, nor any thing therein contained, shall be construed to empower said proprietors, or the trustees, to alienate said common field or any part thereof, or to assess or levy any money on any commoner, who shall not use his right of common, or on any commoner, except in proportion to the beasts he may depasture there, and the benefit he may derive from said common field.

31 Geo. 3, chap. 2. AN ACT TO ENABLE THE GOVERNOR, LIEUTENANT-GOVERNOR, OR COMMANDER IN CHIEF FOR THE TIME BEING, TO APPOINT TRUSTEES FOR THE COMMON OF THE TOWN OF DARTMOUTH, ON THE DEATH OR REMOVAL OF THE TRUSTEES HOLDING THE SAME, AND TO VACATE THAT PART OF THE GRANT OF THE COMMON AFORESAID, WHICH VESTS THE TRUST IN THE HEIRS, EXECUTORS OR ADMINISTRATORS, OF THE TRUSTEES NAMED IN THE SAID GRANT, ON THE DEATH OF SUCH TRUSTEES.

Preamble.

Whereas by letters patent under the great seal of this province, bearing date the fourth day of September, in the year of our lord one thousand seven hundred and eighty-eight, his majesty was pleased to grant to Thomas Cochran, Timothy Folger, and Samuel Starbuck, their heirs, executors and administrators, the common of the township of Dartmouth, situate on the eastern side of the harbor of Halifax, in special trust, for the use of the inhabitants settled and resident in the town plot, or that might thereafter settle and actually reside within the township of Dartmouth, during such residence only, as a common, for the general benefit of such resident settlers, and not otherwise; and whereas the said Timothy Folger and Samuel Starbuck, have removed from this province, by reason whereof the good intent of the said grant, is in a great measure defeated; and whereas many and great inconveniences may arise from the trust aforesaid, on the death of either or the whole of the said trustees, devolving to their heirs, executors or administrators— for remedy whereof:

Governor to appoint trustees for the common at Dartmouth.

1. *Be it enacted, &c.*, That it shall and may be lawful for the governor, lieutenant-governor, or commander in chief for the time being, to nominate and appoint fit and proper persons trustees for the common of the town of Dartmouth, which trustees, so nominated and appointed, shall hold the said common on the same terms and conditions as the trustees named in the aforesaid grant, are authorized to hold the same, by virtue of the said grant.

2. It shall and may be lawful for the governor, lieutenant-governor, or commander in chief for the time being, from time to time, and at all times hereafter, on the death, or removal out of this province of any of the aforesaid trustees, to nominate and appoint another person to exercise the said trust.

And on the death of any trustee to appoint another to exercise the trust.

3. So much of the said grant as relates to the appointing the before named Timothy Folger and Samuel Starbuck, trustees as aforesaid, and such part thereof, as on the death of either of the trustees therein named, devolves the trust on the heirs, executors or administrators, of the trustee so deceased; and every matter and thing, in the said grant contained relating to the same, shall be, and the same is hereby vacated, and no longer in force or effect.

Former trust vacated.

4. The trustees to be named in and under this act, shall exercise and use every right, power and privilege heretofore given to the trustees named in the aforesaid grant, and referred to in an act passed in the twenty-ninth year of his majesty's reign, entitled "an act to enable the inhabitants of the town plot of Dartmouth to use and occupy the common field, granted by his excellency the lieutenant-governor, in such way as may be most beneficial to them."

Power of trustees appointed under this act.

AN ACT FOR REGULATING THE DARTMOUTH COMMON.

4 Vic., chap. 42.

Passed 10th April, 1841.

Whereas by letters patent under the great seal of this province, bearing date the fourth day of September, in the year of our Lord one thousand seven hundred and eighty-eight, his late majesty king George the third was pleased to grant to Thomas Cochran, Timothy Folger and Samuel Starbuck, their heirs, executors and administrators, the common of the township of Dartmouth, situate on the eastern side of the harbor of Halifax, in special trust, for the use of the inhabitants settled and resident in the town plot, or that might thereafter settle and actually reside within the said township of Dartmouth, as a common, for the general benefit of such resident settlers, and not otherwise; and whereas by an act passed in the twenty-ninth year of the reign of his late majesty king George the third, entitled "an act to enable the inhabitants of the town plot of Dartmouth to use and occupy the common field granted them by his excellency the lieutenant governor, in such a way as they may think most beneficial to them," the proprietors and persons interested in the said common field, and the trustees thereof, are invested with certain powers in respect to the said common; and whereas by an act passed in the thirty-seventh year of the reign of his late majesty king George the third, entitled, "an act to enable the

Preamble.

governor, lieutenant governor or commander-in-chief for the time being, to appoint trustees for the common of the town of Dartmouth, on the death or removal of the trustees holding the same, and to vacate that part of the grant of the common aforesaid which vests the trusts in the heirs, executors or administrators of the trustees named in the said grant, on the death of such trustees, the governor, lieutenant governor or commander-in-chief for the time being is authorized to appoint trustees in lieu of the original trustees, and to supply any vacancies among the trustees to be so appointed, and, by the said last mentioned act, so much of the grant as devolves the trust on the heirs, executors or administrators of the deceased trustees therein named ;" and whereas, on the thirteenth day of April, in the year of our Lord one thousand seven hundred and ninety-eight, under the said last mentioned act, Michael Wallace, Lawrence Hartshorne and Jonathan Tremain, esquires, were appointed trustees of the said common in place of the trustees named in said grant, with the same powers given to the said original trustees by the said act herein first mentioned ; and whereas the said trustees so last named and appointed, are all now deceased, and there has for several years last past been no proper authority to take charge of the said common, to prevent trespasses, or to effect improvement thereon ; and whereas the said common fronts on the harbor of Halifax, and some of the water lots in front thereof have been granted to certain individuals, and it would be advantageous if a certain portion of said common, fronting on the harbor, were demised in lots to persons who would be willing to pay rents for the same ; and whereas a certain plot of the said common has, by the consent of the inhabitants interested therein, been enclosed as a burial ground for the Roman catholic chapel at Dartmouth, which it is desirable should be confirmed for that use ; and whereas it is requisite, for the purposes aforesaid, to appoint new trustees for said common :

Trustees of common to be appointed.

1. *Be it therefore enacted, &c.*—That it shall and may be lawful for the governor, lieutenant governor or commander-in-chief for the time being, to nominate and appoint three fit and proper persons to be trustees of the said common, at Dartmouth ; and in case of any vacancy among such trustees, by death, resignation, removal from office, or permanent absence, from time to time, to supply such vacancy.

Title to common to be in trustees.

2. In the said trustees for the time being, the legal estate and title of and in the said common shall be and be deemed at all times hereafter absolutely vested for the benefit of the said inhabitants of Dartmouth.

Trustees to execute deed to the Roman catholic clergyman of the part used as a burial ground by the Roman catholics.

3. The said trustees shall, when appointed as aforesaid, make and execute to any persons who may be named and selected for that purpose, by the officiating Roman catholic clergyman at Dartmouth, a deed or conveyance, in fee simple, of so much and such portion of the said common as is now enclosed and used as a burial ground for the Roman catholic congregation at Dartmouth, to be

held by such persons, and their heirs, for the purpose of being so used and employed as a burial ground, as aforesaid.

4. The said trustees shall, immediately after they shall be so appointed as aforesaid, proceed to lay off and divide into proper, convenient and suitable lots and parcels, all that portion of the said common which is bounded in front, westerly, on the harbor of Halifax, and in rear, eastwardly, by the road leading from water street in Dartmouth, to the wind mill: provided that there shall be reserved and laid off, through the said lots so directed to be laid out as aforesaid, a public road, sixty feet wide, along the line of high water mark, or as near thereto as may conveniently be.

Part of the common to be laid off into lots.

5. After the said several lots or parcels of land shall have been laid off as aforesaid, the said trustees shall affix and apportion for each lot or parcel of land some small annual rent, and, after due notice of such sale, publicly given by advertisement, shall proceed to offer such respective lot or parcel of land for sale at public auction, for the highest price to be obtained for the same, subject to the annual rent as aforesaid, for the term of nine hundred and ninety-nine years.

Lots laid off to be leased.

6. The trustees aforesaid shall make and execute leases to the respective purchasers, for the said term of nine hundred and ninety-nine years, on payment of the price for which the same may be sold, subject to the rent reserved, to be by the said lease made payable half yearly; and such leases shall suffice to vest in every such purchaser the lot or parcel purchased by him, subject to the rent reserved, for the term aforesaid.

Trustees to execute leases.

7. The price to be obtained for the said lots or parcels of the said common to be sold as aforesaid, as well as the rents to be annually received therefrom, shall be paid and applied to the improvement of the remainder of the said common, and of the road leading through the same, hereinbefore mentioned.

Proceeds to be applied to improve common.

8. The trustees in office from time to time, under this act, shall have power to demand, sue for and recover, the rents reserved and monies to be received from and upon said leases, and shall pay and apply the same as hereinbefore directed.

Trustees empowered to sue for rent.

9. The trustees shall annually submit an account of all monies received and paid by them to the inhabitants resident in the town plot of Dartmouth, at a meeting to be called for that purpose, on the first Monday in March in every year, at which meeting a committee of three of the said inhabitants shall be appointed to audit the accounts so submitted by the said trustees, who shall make their report in writing at the next annual meeting of the said inhabitants.

Trustees to account to inhabitants of Dartmouth.

11 Vic., chap. 10

AN ACT ADDITIONAL TO THE ACT FOR REGULATING THE
DARTMOUTH COMMON.

Passed 21st March, 1848.

Preamble.

Whereas in a recent search for mines and minerals, a large excavation has been made on the south western part of the common at Dartmouth, and a spring having been struck, the same is constantly filled with water, and the use thereof might be advantageously disposed of for the improvement of the remainder of the said common :

Trustees to lease excavation, &c.

1. *Be it enacted, &c.*, That it shall be lawful for the trustees of the said common, from time to time, to dispose of the said excavation or pit, and the use of the water therein being, to any person or body corporate who may wish to procure the same, for any term not exceeding twenty-one years, with liberty to the lessee to carry any pipes that may be required for the purpose of conducting such water from the said pit, across, over, under, and through any other portion of the said common, and to make and execute leases to the purchasers thereof in conformity with the terms agreed upon.

Application of monies received under act.

2. All monies received by the said trustees under this act, after deducting the necessary expenses of making such sales, shall be applied to the improvement of the remainder of the said common, and of the road leading through the same.

Commissioners of streets to permit laying of pipes, &c.

3. It shall be lawful for the commissioners of streets for the town of Dartmouth, and they are hereby empowered, if they shall see fit so to do, to permit any such lessee as aforesaid, to lay down, and place in, or along, or under, the side walks of the streets and highways under their jurisdiction such pipes as may be required to carry away the water from the said pit, and for that purpose to open up the said side walks upon such terms, and under such restrictions, as may be agreed upon: provided always, that all trenches opened for the purpose aforesaid, shall be closed with all convenient speed after the laying down of such pipes.

Proviso.

And see also 5 Vic. chap. 25, 6 Vic. chap. 47, and 18 Vic. chap. 61.

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AN ACT IN ADDITION TO, AND AMENDMENT OF, AN ACT, PASSED 59 Geo. 3, chap. 11
IN THE THIRTY-THIRD YEAR OF HIS MAJESTY'S REIGN, EN-
TITLED, AN ACT TO ENABLE THE INHABITANTS OF THE TOWN
OF ANNAPOLIS, AND THE OFFICERS OF HIS MAJESTY'S GAR-
RISON, STATIONED FOR THE TIME BEING IN THE SAID TOWN
OF ANNAPOLIS, ANNUALLY TO NOMINATE AND APPOINT SU-
PERVISORS TO TAKE CHARGE OF THE COMMON APPERTAINING
TO THE SAID TOWN, AND FOR OTHER PURPOSES THEREIN
MENTIONED.

1. *Be it enacted, &c.*, That if any person or persons, not ha-
ving legal authority so to do, shall wilfully throw down, take down,
injure or destroy, any of the fences or any part thereof, erected on,
and belonging to the said common, appertaining to the town of An-
napolis; or shall take away, injure or destroy any of the materials
of, and belonging to, the said fences, he or they, for each offence,
shall forfeit and pay the sum of twenty shillings, with costs, to be
recovered by the supervisors of the said common, before any justice
of the peace for the county of Annapolis: which sum, so recovered,
shall be applied to the use of the said common; and if such person
or persons shall neglect or refuse to pay the said sum and costs,
he or they shall be committed to the common gaol there to remain
for the space of six days.

Fences of Anna-
polis common.

2. If any person or persons not entitled to commonage in the
said common, shall drive or put into the marsh belonging to the
said common, any horses, cattle, sheep or other live stock of any
description, or if any person or persons having a right of commo-
nage therein, shall drive or put into the said marsh any live stock
as aforesaid, of a different description, or more in number than the
supervisors of the said common shall order and direct, he or they,
for each and every offence, shall forfeit and pay the sum of twenty
shillings and costs, to be recovered and applied as in the first sec-
tion of this act is directed: and if such person or persons shall
neglect or refuse, to pay the same, he or they shall be confined in
the common gaol, there to remain for six days.

Right of common-
age secured.

3. It shall and may be lawful for the said supervisors to allow
and pay the keeper of the marsh belonging to the said common,
such sum of money, yearly, as they may deem reasonable for his
services, not exceeding six pounds, which sum shall be equally
borne by each commoner; and in case the said commoners, or
either of them, shall neglect or refuse to pay such proportion, the
same shall be recovered from them or either of them, so neglecting
or refusing, by the said supervisors, before any justice of the peace
for the said county of Annapolis, with costs of suit.

Allowance to
keeper of com-
mon.

Keeper of common
to be sworn.

4. The person hereafter appointed keeper of the marsh belonging to the said common, before he enters upon the duties thereof, shall be sworn to the faithful discharge of the same.

14 Vic., chap. 5.

AN ACT FOR THE REGULATION OF THE TOWN MARSH AT ANNAPOLIS.

Passed 31st March, 1851.

Grand jury to ap-
point supervisors
of town marsh.

1. *Be it enacted, &c.*—The grand jury of the county of Annapolis shall annually nominate four of the inhabitants of the town of Annapolis, entitled to common in the town marsh, out of whom the sessions shall appoint two, who shall be supervisors of such marsh for the year then next ensuing, and shall be sworn to the faithful discharge of their duty before a justice of the peace.

Commanding offi-
cer at Annapolis
to be a supervisor.

2. The commanding officer of the garrison at Annapolis for the time being, if a commissioned officer, shall be a third supervisor; but if he shall not be a commissioned officer the grand jury shall nominate six persons, of whom the sessions shall appoint three to be supervisors.

Meeting of super-
visors to make re-
gulations, &c.

3. The supervisors shall meet together whenever occasion may require, to make regulations for and to superintend the making and repairing of the dikes, aboteaux, and ditches of the marsh, the making and repairing of the fences thereof, and the appointing and payment of the keeper thereof, and may assess every person entitled to pasturage therein, his equal proportion for the money, materials and labor requisite for such purposes.

Forfeitures for re-
fusing to pay mo-
ney, &c. required
by supervisors.

4. Every such person refusing or neglecting to pay the money, or furnish the materials or labor required of him by the supervisors, shall forfeit in addition to the money and the value of the materials so assessed upon him, for every days' manual labor so assessed the sum of four shillings, and for every days' labor of his horse or team seven shillings and sixpence, to be recovered before a justice of the peace, and applied to the purpose for which the assessment was made; but no proceedings shall be had therefor, except for disobedience of an order to strengthen or repair the dikes in case of sudden emergency, without proof that the party assessed had received forty-eight hours previous notice to pay the money, furnish the materials, or perform the labor required.

Supervisors to
publicly advertise
days appointed
for admission of
cattle to pastu-
rage, &c.

5. The supervisors shall annually, by public advertisement posted in at least three of the most public parts of the town, appoint the days when the marsh shall be opened for pasturage, and also when the cattle shall be taken out of the marsh in the autumn; and shall also in such advertisement specify how many head of cattle each commoner shall be permitted to depasture in the marsh for the season.

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6. The supervisors shall annually appoint a keeper of the marsh, who shall have power to turn out or impound the cattle of any commoner put into the marsh contrary to the advertisement, or over and above the number specified therein, and who shall, in addition to his other duties, notify the commoners personally, or by writing left at their last place of abode, to perform any duties required of them by the supervisors under the third section.

Keeper to be an-
nually appointed,
&c.

7. The supervisors shall have power to debar any commoner from the use of the marsh, who shall not have paid all assessments made on him by the supervisors under the third section, after the period of their taking office; and if any supervisor shall not forthwith pay over to his successors any fund that may remain in his hands at the expiration of his term of office, he shall be deprived of the use of the marsh until such funds shall be paid over.

If assessments are
not paid supervi-
sors may debar
from use of marsh.

8. Any inhabitant of the town of Annapolis, not being entitled to a right of common in the marsh, may acquire such right by payment of the sum of five pounds, to be applied to repairing the dikes and other expenses of the marsh by the supervisors, and the person paying shall be entitled to common in the marsh as fully and upon the same tenure as if he had been one of the original commoners; but no person shall in any case be entitled to more than one share or right in the common at one time.

Mode of acquiring
right of common
in marsh, &c.

9. The supervisors shall keep a book, wherein all fines, forfeitures, admission payments and other receipts, shall be entered, and the expenditure thereof accounted for; and also a journal of their proceedings regularly kept, which book may at all reasonable times, be inspected by the commoners free of charge, and shall be delivered by the supervisors to their successors in office.

Supervisors to
keep a record of
proceedings.

10. The supervisors during their term of office shall be exempt from any assessments or taxes of any kind for the use of the marsh, as a compensation for their trouble.

Supervisors ex-
empt from taxes
for marsh.

11. The supervisors, with the assent of a majority of the commoners signified in writing, shall, as often as they may consider beneficial for increasing the pasturage, have power to lay off to each commoner, for a period not exceeding three years at any one time, such portion of the marsh as they may deem advisable, and the commoners shall fence, plough and sow the same, and at the expiration of the period so authorized by the supervisors, the portion so allotted shall be delivered up properly seeded down with grass seed, and again thrown open to pasturage.

Portions of marsh
may be laid off
for use of com-
moners, &c.

12. Nothing in this act contained shall interfere with the right of her majesty's commissioned officers of the garrison to the use of the marsh.

Not to affect right
of officers of garri-
son.

13. The act thirty-third George the third, chapter ninth, is hereby repealed.

33 Geo. 3, chap.
9, repealed.

1 Wm. 4, chap. 19.

AN ACT RELATING TO THE COMMON AT LA HAVE.

Passed 11th January, 1831.

Preamble.

Whereas the island which lies off the mouth of LaHave river, in the county of Lunenburg, and is known by the name of LaHave island, was granted by his late majesty king George the third, in the year of our Lord one thousand seven hundred and eighty-five, to Joseph Pernette, Henry Vogler, Matthew Park, Joseph Whitford, George Grieser and John Baker, or the survivor or survivors of them, and their several and respective heirs, in trust for the use and benefit of the inhabitants of the township of New Dublin, and of all those persons who were then settled on the eastern side of the river of LaHave, extending from Park's farm, so called, up to the falls in the said river, and their several and respective heirs and assigns, for a common for feeding and depasturing their cattle; and whereas four of the said trustees have since departed this life, and the said grant contains no provisions for supplying the vacancies which have thus been created, or may in future occur:

Lieutenant governor empowered to fill up the present vacancies in the trust.

1. *Be it therefore enacted, &c.*, That it shall and may be lawful for the governor, lieutenant governor or commander-in-chief for the time being, to nominate and appoint three fit and proper persons to be trustees in conjunction with the two surviving trustees mentioned in the said grant, namely, the aforesaid George Grieser and John Baker, of and for the said common, which said trustees, so to be nominated and appointed, shall be invested with all the authorities and powers conferred on the original trustees and their heirs, in and by the said grant.

Empowered to fill up future vacancies.

2. It shall and may be lawful for the governor, lieutenant governor or commander-in-chief for the time being, from time to time, and at all times hereafter, on the death or continued absence from the province, or refusal to act, of any of the trustees, or, at his pleasure, to nominate and appoint other fit and proper persons to hold and exercise the said trust, in room of such of the said trustees as may die, absent themselves, be removed, or refuse to act as aforesaid.

1 Wm. 4, chap. 20. AN ACT TO ENABLE THOSE INTERESTED IN LA HAVE COMMON TO MAKE REGULATIONS FOR THE MANAGEMENT THEREOF.

Passed 11th January, 1831.

Preamble.

Whereas the island which lies off the mouth of LaHave river, in the county of Lunenburg, and is known by the name of LaHave

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1. *Be it therefore enacted, &c.*, That such trustees as aforesaid of the said common shall once in every year, in the early part of the spring, convene a public meeting in the said township of New Dublin, of all the inhabitants and settlers beneficially interested in the said common, under the aforesaid grant, which meeting shall be advertised by notices in writing, put up in four of the most public places in the said township twenty days at least before the day appointed for such meeting, and the majority of such persons then and there assembled shall have power to adopt such regulations as they shall think fit, in respect to the mowing, feeding and depasturing of the said common, the cutting of wood, the kindling of fires, and taking of the sea manure thereon, and all other matters touching the use and occupation of the said island, for the ensuing year: and shall also have power to appoint one or more keepers of the said common, who shall be sworn before one of her majesty's justices of the peace, to the faithful discharge of his or their office for the said year, and shall receive such compensation as may be directed by the majority at such meeting; and the said majority shall also have power to choose a clerk to enter and record the proceedings of such meetings, and all votes and orders of the said trustees in respect of the said common during the year, and who shall be sworn and compensated for his services as aforesaid, and shall furnish copies of such regulations, proceedings and orders to any person or persons who may at any time require the same, and pay him therefor at the rate of six pence for every ninety words contained in such copies; and the said majority shall likewise have power to fix and impose pecuniary penalties for the breach of any of the regulations to be adopted as aforesaid, to be recovered on due proof before any one of his majesty's justices of the peace, with costs, in the name of the said clerk, and applied to the use of the said common; and may also empower the said keeper or keepers to impound such cattle as may be found upon the said island contrary to the regulation to be adopted in that behalf, and

Trustees may annually call public meetings in New Dublin.

Meeting empowered to make necessary regulations—to appoint a keeper of common, and a clerk

Impounding and selling of cattle.

to sell the same under the direction of a justice of the peace, at public auction, after ten days' public notice thereof by advertisement in writing, and ten days' notice to the owner thereof, if to be found in the said township or neighbourhood, for payment of the expenses thereon and the penalties that may have been incurred by the owners thereof under the said regulations, unless such owners shall previously pay such expenses and penalties to the said trustees or some of them; and in the event of such sales being held, the surplus of the net proceeds, if any, after satisfying such expenses and penalties, shall be paid by the said trustees on demand to the owners of such cattle: provided always that no regulations shall be made to prevent persons from taking sea weed and sea manure from the reserved shores and beaches of the said island in the manner they have been heretofore accustomed to do.

Proviso.
Sea manure.

Encroachments or
trespasses may be
prosecuted.

Assessments may
be made for neces-
sary purposes.

2. The said trustees may sue, commence and prosecute any actions or suits respecting encroachments or trespasses on the said common, or the management thereof, in any court or courts competent to try the same, and in like manner defend any actions or suits that may be brought against them; and that the majority of persons interested as aforesaid, and assembled at such annual meeting, shall have power to order the raising of any sum or sums of money that shall be by such majority thought necessary for the prosecuting or defending of such actions or suits, and for carrying on and managing of any affairs relating to the said common at any time hereafter, and defraying any necessary expenses hereafter to be incurred in and about the same, and to appoint five of the inhabitants or settlers interested in the said common, to apportion such sums so to be raised for the ends and uses aforesaid upon all the persons interested as aforesaid, according to their ability, and to authorize the said clerk to gather in and collect the same—which said sums shall be collected by the said clerk, and the payment thereof enforced, in like manner as taxes may be collected and levied for the support of the poor, and shall be duly accounted for by the said clerk to the said trustees, as and when he shall receive the same.

Penalties limited.

Appeal therefrom.

Other than annual
meetings may be
called.

3. The penalties to be imposed for the breach of any of the regulations to be made from time to time as aforesaid, shall in no case be less than twenty shillings nor exceed sixty shillings for each offence; and that such regulations shall not be contrary to the laws of this province: provided also, that any commoner who may conceive himself aggrieved by the enforcing of such regulations or any of them, may appeal therefrom, on giving sufficient security by recognizance to prosecute such appeal before the next supreme court or general sessions of the peace, the justices whereof shall have full power to inquire into and determine the same in a summary way, or otherwise as they shall think fit.

4. The said trustees shall be at liberty, on giving due notice as aforesaid, to convene other meetings besides the annual meeting of such commoners, at which meetings the majority may adopt and

pass such orders as may appear to them expedient for the present government and regulation of the said common, but so as the same shall not go to the raising of any monies, nor extend beyond the period of the annual meeting then next to be convened as aforesaid.

5. This act shall continue and be in force for two years from the publication thereof, and from thence to the end of the then next session of the general assembly.

Continued by 3
Wm. 4, chap. 26.

AN ACT TO RENDER PERPETUAL THE ACT TO ENABLE THOSE INTERESTED IN LA HAVE COMMON TO MAKE REGULATIONS FOR THE MANAGEMENT THEREOF.

6 Wm. 4, chap. 24.

Passed 12th March, 1836.

1. *Be it enacted, &c.*, That the act, made and passed in the first year of his present majesty's reign, entitled, an act to enable those interested in LaHave common to make regulations for the management thereof, and every matter, clause and thing, therein contained, shall be, and the same are hereby made perpetual, any thing in the said act to the contrary notwithstanding.

Act 1, Wm. 4, c.
20, made perpetual.

AN ACT FOR REGULATING THE COMMON OF THE TOWNSHIP OF LUNENBURG.

10 Vic., chap. 44.

Passed 17th March, 1847.

1. *Be it enacted, &c.*, That the justices of the peace of the county of Lunenburg in their general sessions to be next held in April for the said county, or at any future sessions, shall give it in charge to the grand jury then and there summoned, to affix and settle such regulations as they may think most proper and convenient to be observed and followed respecting a tract of land lying in the peninsula of Lunenburg, granted and set apart as a common for the inhabitants thereof, to continue for one year from such sessions, and such regulations as shall be approved of by the justices of said sessions shall be, and are hereby declared to be the stated rules to be kept, observed and followed, with relation to the said common by the aforesaid inhabitants for and during the space aforesaid.

Regulations for
one year to be
made by grand
jury and approved
by justices.

To be made at
April sessions for
year following.

2. The said justices shall, in like manner, at their annual sessions, hereafter to be held in April, proceed and give in charge to the grand jury, in manner aforesaid, and settle and approve of such rules and regulations for the said common, to serve for the year then next ensuing, as to them shall appear most proper and convenient.

Voting of money
to defray expenses
under act.

3. Upon application of the trustees of said common, or a majority of them, to the inhabitants of the said township, in their annual meetings to make provision for their poor, it shall and may be lawful for the said inhabitants to vote such sum of money as they shall judge necessary and sufficient to be raised, to defray the costs and expenses of running, ascertaining and renewing the marks of the original boundary lines of the said common, when and so often as it shall be found requisite; and also for commencing, carrying on and prosecuting any suits or actions to compel the relinquishment of encroachments and settlements made into and upon the said common, which suits or actions the said trustees of the said common, for the time being, or either of them are hereby authorized and empowered to commence, carry on, and prosecute, in their own names and on behalf of the inhabitants of the said township, which said sum or sums of money, so voted, and the sum voted at the same time for the support of the poor, shall be added together, so as to make but one assessment of the whole, and the same shall be assessed by the same assessors, and collected by the same collectors, in like manner as poor rates are by law assessed and collected, and shall be paid to the said trustees for the purposes hereinbefore mentioned, who shall account for the expenditure thereof to such person as the said inhabitants shall, in any of their said meetings, think proper to appoint to enquire into the same: provided always, that no such monies shall be voted by the inhabitants of the said township, unless the overseers of the poor in the notice now by law required to be given for raising money for the support of the poor, shall also state that application for a vote of money to be raised for the purposes hereinbefore specified, will be submitted at such meeting, which notice shall be given by the said overseers at the request of either of the said trustees and any five freeholders of the said township.

Proviso.

Regulations for
collecting eelgrass
and sea manure
on common.

4. From and after the passing of this act, it shall and may be lawful for the justices of the peace for the said county of Lunenburg, at their general sessions of the peace, from time to time to make such rules and regulations as they may deem necessary and expedient, to be observed and followed by the inhabitants of the said county in collecting and taking away eel grass, or other sea manure, which may from time to time be driven by the sea and lodged upon the shore of the common or public lands within the said county.

Penalty for trans-
gressing rules and
mode of recovery.

5. If any person shall transgress any of the rules or regulations so to be made as aforesaid, or shall neglect or refuse to obey the same, such person shall forfeit and pay a fine not exceeding forty

shillings for every offence, to be recovered with costs, by suit in the individual names of such trustees, or any of them, before any one of the justices of the peace for the said county, in the same manner as if it were a private debt due to the person suing therefor, and to be applied one half thereof to the use of the person complaining and the other half to the use of the poor of the said township of Lunenburg.

6. It shall be lawful for the trustees of the aforesaid common, or either of them, to make leases of such parts thereof as they may think proper, for any term not exceeding ninety-nine years, which leases shall contain such provisoes, covenants and conditions, as the said trustees may judge best for the improvement of the said common, and the due regulation thereof; and shall be sufficient to convey to the person or persons to whom the same may be so made, such estate as may be therein expressed, subject to the conditions and covenants therein contained.

Trustees to make leases.

7. The said justices in session shall be, and are hereby empowered to settle and appoint such penalties to be inflicted upon the person who shall neglect or refuse to obey the rules and regulations, so to be settled at the said annual sessions of the peace, as to them shall appear to be just and equitable: provided that such penalties to be inflicted shall not exceed the sum of forty shillings each.

Justices to appoint penalties.

Proviso.

8. An act passed in the thirty-fourth year of the reign of his late majesty king George the second, entitled, an act for regulating the common belonging to the township of Lunenburg, and all acts in addition to, and amendment thereof, shall be, and the same are hereby repealed: provided always, that all such rules and regulations as are now in force, or have been so previous to the passing of this act, shall be and remain in force until other or new rules and regulations therefor shall be made, under and by virtue of this act.

Act 34, Geo. 2nd, repealed.

Proviso.

AN ACT FOR REGULATING THE COMMON OF THE TOWNSHIP OF CLARE.

10 Vic., chap. 45.

Passed 17th March, 1847.

Whereas, by letters patent, under the great seal of this province, bearing date the first day of November, in the year of our Lord one thousand eight hundred and twenty, his late majesty king George the fourth was pleased to grant to the reverend J. M. Sigogne, Roman catholic missionary at Clare, Peleg Wiswall, esquire, an assistant justice in her majesty's supreme court, and Charles McCarthy, esquire, a tract of land in the township of Clare, in trust for the use of the inhabitants of said township of Clare, for a

Preamble.

common; and whereas, the said reverend J. M. Segogne, Peleg Wiswall, esquire, and Charles McCarthy, esquire, were duly appointed trustees of said common, all of whom are now dead: and whereas, the said trustees did permit and authorize six families to settle and cultivate portions of said common, having allotted about fifteen acres of said common to each of them, by leases, for a term of years; and whereas, it is requisite, on account of the death of such trustees, to appoint new trustees for the management of the said common:

Incorporation of
trustees of Clare
common.

1. *Be it therefore enacted, &c.*, That it shall and may be lawful for the court of general sessions of the peace for the county of Digby, to nominate and appoint three fit and proper persons, residing in the township of Clare, aforesaid, to be trustees of the said common of the township of Clare; and in case of any vacancy among such trustees, by death, resignation, removal from office, or permanent absence, from time to time, to supply such vacancy; and such trustees, and their successors in office for the time being shall be, and they are hereby declared to be, a body politic and corporate, in name and in deed, under the name of "the trustees of Clare common," and by that name shall have succession, and by that name shall and may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity or place whatsoever.

Legal estate vested in trustees.

2. In the said trustees for the time being, the legal estate and title of and in said common, shall be and be deemed at all times hereafter absolutely vested for the benefit of the said inhabitants of the said township of Clare.

Trustees to make
leases.

3. The trustees aforesaid shall make and execute leases to any person or persons now settled on said common, for any term not exceeding twenty-one years, and from time to time shall renew the same at such rents as may be agreed upon, to be by the said leases made payable half-yearly; and such leases shall suffice to vest in every such person the lot or parcel of said common so leased to such person, for the term agreed on, subject to the rent reserved for said term.

Application of
rent.

4. The price or rent to be obtained for the said lots or parcels of the said common to be so let as aforesaid, shall be paid and applied to the improvement of the remainder of the said common, and of the roads leading through the same.

Powers of trustees, &c.

5. From and after the passing of this act, it shall and may be lawful for the said trustees, from time to time, to make such rules and regulations as they may deem necessary and expedient to be observed and followed; and the said trustees, or any two of them, shall have full power and authority to manage, transact and perform all matters and things whatsoever in any wise relating to, or concerning the said common, or connected with the preservation and improvement thereof, and shall annually submit an account of all monies received and paid by them, to the justices of the peace, in their general sessions of the peace for the county of Digby, to be

held at Clare, when and after such time as the same shall be there held, and until such time to the sessions of the peace for said county held at Digby.

6. If any person or persons shall transgress any such of the rules and regulations so to be made as aforesaid, or shall neglect or refuse to obey the same, such person or persons shall forfeit and pay a fine not exceeding forty shillings, for every offence, to be recovered, with costs of suit, before any one of the justices of the peace for the said county of Digby, in the name of any person or persons who will sue for the same, in the same manner as if it were a private debt due to such person or persons, and to be applied—one half thereof to the use of the person or persons suing therefor, and the other half to the use of the poor of the township of Clare.

Fine for transgressing regulations—mode of recovery and application.

AN ACT FOR REGULATING THE COMMONS AT SYDNEY, IN THE COUNTY OF CAPE BRETON. 10 Vic. chap. 22.

Passed 17th March, 1847.

Whereas a certain tract of land, known as the east common of the town of Sydney, in the county of Cape Breton, situated on the east side of the Mire road, and on the south side of the old Saint Peter's road, and estimated to contain seven hundred and thirty-six acres, or thereabouts; and also, a certain tract of land, known as the west common of the said town of Sydney, situated on the west side of the said Mire road, adjoining the rear or east side of the Glebe, and south side of the said old Saint Peter's road, or reservation for a road, and estimated to contain six hundred acres or thereabouts—both of which tracts are marked as such commons respectively, on the plans in the office of the surveyor-general at Sydney aforesaid; but neither of the said tracts has been permanently set apart as a common for the said town of Sydney, and trespassers have been from time to time encroaching upon the said commons, and committing depredations thereon, and it is therefore advisable to establish such commons, and place them under the direction and supervision of trustees thereof:

1. *Be it enacted, &c.*, That the whole of the said hereinbefore mentioned two tracts of land, known respectively as the east and west commons of the town of Sydney aforesaid, shall be, and the same are hereby set apart, and permanently appropriated as and for commons respectively, for the use and purposes of the inhabitants of the said town of Sydney, under and subject to the control and supervision over the same hereinafter mentioned, and also subject to such apportionment of any part thereof as may be made hereunder.

East and west commons of Sydney.

Master to be appointed.

2. It shall and may be lawful for the governor, lieutenant-governor or commander in chief, for the time being, with the advice of the executive council, to nominate, appoint and commission, five fit and proper persons, inhabitants of the said town of Sydney, to be trustees of the said commons; and in case of any vacancy among such trustees, by death, resignation, removal from office or permanent absence, from time to time, to supply every such vacancy; and such trustees and their successors in office for the time being, shall be and are hereby declared to be, a body politic and corporate, in name and in deed, under the name of "the trustees of the Sydney commons," and by that name shall have succession and a common seal, and by that name shall and may sue and be sued, implead and be impleaded, defend and be defended, in any court of law or equity, or place whatsoever.

The title of the common to vest in the trustees.

Proviso.

3. The legal estate and title of and in the said hereinbefore mentioned tracts of land respectively, and of every part thereof, with the appurtenances, shall be, and the same are hereby absolutely vested in the said trustees for the time being, for the benefit of the inhabitants of the said town of Sydney; and such trustees shall have the exclusive management and control thereof, and shall and may execute any lease or leases thereof, as may be deemed expedient, and shall and may apply the rents thereof respectively, or such parts thereof as they may deem advisable, to the improvement of the remainder of the said commons: provided always, that nothing herein contained shall extend, or be construed to extend, to deprive any person or persons, or body politic or corporate, of any interest, possession, property or right, which may have been acquired by such person or persons, body politic or corporate, under and by virtue of the several statutes of limitations, or any of them in force previous to the passing of this act: and provided also, that such trustees shall not have power to execute any conveyance or lease of such lands, or any part thereof, other than for the purposes hereinafter mentioned, for any longer period than twenty-one years.

Trustees authorized to lay off cemeteries.

4. It shall and may be lawful for such trustees, from time to time, to lay off and apportion gratuitously, so much and such parts of the said lands as they may deem proper, as and for cemeteries or burial grounds in connection with the different religious denominations in the said town of Sydney, or as and for a public cemetery or burial ground for the use of such town; and to make and execute a deed or deeds of conveyance, in fee simple, of any such lands so laid off and apportioned, to such person or persons as may be appointed for that purpose by such different religious denominations, or such declaration or declarations of trust in relation to the same, as may be necessary to convey and assure such lots respectively, for the purposes for which they may have been so laid off and apportioned: provided that no greater quantity of land shall be so laid off as and for a cemetery for any one religious denomination, or as and for such public cemetery, than five acres for any such purposes respectively.

5. The said trustees shall annually submit an account of all monies received and paid by them under and by virtue of this act, to the general sessions of the peace for the county of Cape Breton, for their approval; and such general sessions of the peace shall and may, if they shall think proper so to do, order and direct any balance, from time to time, in the hands of such trustees, to be applied to such purposes as they may think proper for the benefit of the inhabitants of the said town of Sydney.

Trustees to account.

AN ACT TO ENABLE THE INHABITANTS OF WINDSOR TO ENCLOSE 2 Vic., chap. 21.
THE PUBLIC BURIAL GROUND THERE.

Passed 30th March, 1839.

Whereas there is a public burial ground at Windsor, which is a general burial place, not belonging to any church, or under the control of any peculiar denomination of christians, and it is necessary to provide for its proper order and keeping, from the general contribution of all the inhabitants, more particularly as such burial ground is the usual place of interment for paupers:

Preamble.

1. *Be it therefore enacted, &c.*, That it shall and may be lawful for the freeholders of the township of Windsor, at any of their meetings, to vote money for the support of the poor, in addition to the money required for the support of the poor, to vote so much money as they may think proper and necessary for the fencing and due order and keeping of the said burial ground: which money so voted for such purpose shall be added to and assessed, levied and collected, with and by the same means, under the same regulations and penalties as other monies which shall or may be voted at the same meeting, and when collected, shall be applied to the purposes for which the same shall have been so voted.

Freeholders of Windsor to vote money for fencing, &c., the burial ground.

AN ACT FOR ESTABLISHING A PUBLIC CEMETERY IN THE TOWN 5 Vic., chap. 12
OF YARMOUTH, AND FOR OTHER PURPOSES.

Passed 10th March, 1842.

Whereas in the year of our Lord one thousand seven hundred and sixty-seven, a grant of the township of Yarmouth was made in one hundred and fifty shares or rights of six hundred and sixty-six acres each,—four of which shares or rights were reserved to be disposed of by the lieutenant-governor or commander in chief for the time being, for the public uses; and whereas upon one of the

Preamble.

said shares or lots so reserved on the east side of the harbor of Yarmouth, now within the limits of the town proper of Yarmouth, the inhabitants erected a place of public worship, which was occupied for some years by the presbyterians, and has subsequently been principally used by, and is now in the occupation of the baptists; and a portion of such lot has also from the first settlement of said township been used by the inhabitants, generally, as a public burial ground—there being no other burial ground within the limits of the said town, except one belonging to the church of England; and whereas in or about the year of our Lord one thousand eight hundred and thirteen, a grant was made by the government of this province of the greater part of said lot for a church of England glebe, leaving another part thereof in the possession of one Tristram Studley, and the remainder of said lot being about five acres, was in and by the said grant directed to be reserved for the use of the dissenters, in whose occupation it had been from the earliest settlement of the township as aforesaid; and whereas there are no persons properly authorized to take charge of the said burial ground, and in consequence thereof the fences enclosing the same are constantly out of repair, and the graves and tombstones trampled upon and injured by cattle running at large over them, and it is therefore desirable that such burial ground should be declared a public cemetery, and that trustees should be appointed to take charge thereof:

Public cemetery.

1. *Be it therefore enacted, &c.*—That the said burial ground shall, and the same is hereby declared to be a public cemetery or burial ground for the use of the inhabitants of the said township of Yarmouth, without any distinction, under and subject nevertheless to the restrictions and regulations hereinafter contained.

Trustees appointed.

2. It shall and may be lawful for the governor, lieutenant governor or commander-in-chief for the time being, by and with the advice of her majesty's executive council, to appoint and commission, during pleasure, three fit and proper persons, inhabitants of the said town of Yarmouth, to be trustees for the said cemetery or burial ground; and upon the death, removal, or refusal to act, of any one or more of the said trustees, it shall and may be lawful for the said governor, lieutenant governor or commander-in-chief, by and with the advice aforesaid, to appoint and commission some fit and proper person, being an inhabitant of said town, to supply every such vacancy; and such appointment to renew whenever necessary, so that the said trustees may always continue to be three in number.

The lot on which the meeting house stands to be vested in the proprietors thereof.

3. The ground on which the hereinbefore mentioned meeting house stands, together with the space around the same, included within the following limits, that is to say: to extend thirty feet north and thirty feet south of said meeting house, and back one hundred and twenty feet east, from the main road, shall be, and the same is hereby absolutely vested in the proprietors of the said meeting house for the time being.

4. Such part of the said lots, so reserved, as lie respectively to the northward and southward of the space hereinbefore vested in the proprietors of the said meeting house, and to extend back one hundred and twenty feet east from the main road, shall, and the same are hereby respectively declared to be public streets, and shall and may hereafter be used as such.

Public streets laid off.

5. The said trustees hereinbefore appointed shall, and they are hereby authorized and empowered to take charge of all the residue and remainder of such part of the said lot so reserved for the use of the dissenters as aforesaid, and to lay out a street across the front of the lot near the harbor, and to sell and dispose of the water lots thereto belonging to the best advantage, and to make and execute a deed or deeds to the purchaser or purchasers thereof of the whole estate therein, in fee simple—which deed or deeds shall be deemed, held and taken to be a good, legal and valid conveyance or conveyances to the said purchaser or purchasers, in fee simple; and the monies arising from such sales shall be applied by the said trustees for the repairing the fences around the said cemetery, and keeping the same in proper order.

The trustees to take charge of the remainder for the purposes of this act, and to lay off a street.

6. The said street to be laid out across the front of said lot shall not, in any part thereof, extend farther to the eastward than would be contained within a straight line drawn between a point on the northern side of said lot, not more than one hundred feet distant from the solid bank of the harbor on that side of said lot, and a point on the southern side of said lot distant in like manner not more than one hundred feet from the solid bank of the harbor at that side of the lot.

Extent of street.

7. The said trustees for the time being, or a majority of them, shall and may from time to time, and at all times as they may deem requisite, have full power and authority to make and ordain all such bye-laws, rules, regulations, or ordinances as they may deem proper, for the due care, regulation, ornamenting, and protection of the said cemetery, the same not being repugnant to the provisions of this act: and such bye-laws, rules, regulations or ordinances, upon receiving the assent of the general sessions of the peace in and for the county of Yarmouth, shall be valid, binding and effectual; and all penalties, fines and forfeitures, therein expressed or made payable, shall and may be recovered by the said trustees in their own names, against the party or parties, as debts of the like amount are by law recoverable, and shall be in such manner levied, recovered and received, with costs, if awarded.

Trustees to make bye-laws for regulating the cemetery.

8. The said trustees may, and they are hereby authorized and empowered to enclose the said cemetery, and to erect a good and substantial wall, railing or fence, around the same, and to take such other measures as they may deem necessary, for the preservation and protection thereof; and to prepare, design, lay out, and plant with trees, or otherwise to adorn and embellish the said ground so enclosed, and to preserve, uphold, repair, and maintain the same and the said wall, railing or fence, from time to time, as they shall deem proper.

Trustees to enclose and ornament the cemetery.

Cemetery to be public.

9. The said cemetery shall be open and free for the interment of the dead of all classes and denominations of the inhabitants of, or persons coming to, or being within the township of Yarmouth, and according to such rites and ceremonies as the friends of the deceased shall think proper, without any charge or fee to be paid therefor, to and for the use of such cemetery—save and except a fee to be fixed by the said Trustees, not exceeding two shillings for each interment, to be paid to such trustees, and to be by them applied to and for the use of such cemetery.

Trustees may sue.

10. The said trustees for the time being shall and may sue for and recover, in their own names, any sum or sums of money that may be due and owing from the purchaser or purchasers at such sale or sales of the said water lots as hereinbefore mentioned, or for any fee or fees for any interment or interments which may have been fixed and agreed on by said trustees as aforesaid, in the same manner as debts of the like amount may be ordinarily sued for and recovered.

5 Vic., chap. 26.

AN ACT FOR ESTABLISHING A PUBLIC BURIAL GROUND AT DARTMOUTH.

Passed 10th March, 1842.

Preamble.

Whereas, by and under the provisions of an act, passed in the last session of the general assembly, entitled, "an act for regulating the Dartmouth common," certain persons have been appointed trustees of said common, and the same is now under their charge and control; and whereas, there is no public burial ground at Dartmouth, and there is a portion of said common suitable therefor, which is of little value for other purposes, and it is desirable that the same should be laid off as a public burial ground:

Site for burial ground in Dartmouth.

1. *Be it therefore enacted, &c.*, That the said trustees of the Dartmouth common now appointed or hereafter to be appointed under the provisions of the aforesaid act, shall set off and allot all that portion of the said common at Dartmouth, lying to the northward of the burial ground occupied by the church of England, commonly called the old Quaker burial ground, included within the following limits, that is to say; beginning at the north-west corner of the burial ground so occupied by the church of England, and running thence northerly in a continuous line with the western side line of the said church of England burial ground twenty-nine degrees, west two hundred and sixty-four feet; thence north fifty-nine degrees, east three hundred and forty-four feet six inches, until it comes to the old road leading from Water street, in Dartmouth, to the wind mill: thence by said old road until it comes to land

owned by Thomas Boggs, esquire; thence by said lands of the said Thomas Boggs two hundred and fifty-five feet and six inches to the north-east corner of the said church of England burial ground; thence by said burial ground three hundred and forty-nine feet to the place of beginning, containing two acres and one-eighth of an acre, or thereabouts, which said lot shall be held by the said trustees in trust as and for a public burial place for the use of the inhabitants of Dartmouth, except those denominations of christians who have burial grounds attached to their respective places of worship.

Trust.

AN ACT TO AMEND THE ACT FOR ESTABLISHING A PUBLIC
BURIAL GROUND AT DARTMOUTH.

6 Vic., chap. 47.

Passed 29th March, 1843.

Whereas it is expedient to alter the limits of the public burial ground established by the act passed in the fifth year of her present majesty's reign, entitled, an act for establishing a public burial ground at Dartmouth, and to lay off certain roads in order that access may be had to the different parts of the said burial ground:

Preamble.

1. *Be it therefore enacted, &c.*, That instead of that portion of the common of Dartmouth directed to be set off for a public burial place by the said act, it shall and may be lawful for the trustees of the Dartmouth common now appointed or hereafter to be appointed, to set off and allot all that portion of the common at Dartmouth lying to the northward of the burial ground occupied by the church of England, commonly called the old Quaker burial ground, included within the following limits, that is to say: bounded on the south by a street sixty feet wide, called Stairs' street, and on the east by a street sixty feet wide, running along the western bounds of the lands of Thomas Boggs, esquire, measuring on the last mentioned street two hundred and sixty-four feet, and on Stairs' street three hundred and forty-nine feet and six inches, on the west by a line parallel with the street running along the bounds of the said Thomas Boggs' land, and measuring two hundred and sixty-four feet, and on the north by a line parallel with Stairs' street, and measuring three hundred and forty-nine feet six inches, thus forming a parallelogram three hundred and forty-nine feet six inches by two hundred and sixty four feet.

Bounds of burial ground.

2. The said trustees of the Dartmouth common shall, and they are hereby authorized to lay off a road around the said common, of the width of sixty feet, commencing at the public landing at Stairs' street, thence to the land of Thomas Boggs, esquire, thence along

Road.

the line of the said Thomas Boggs' lands to land owned by Edward Foster, thence along the north bound of the common to Starbuck and Fogler's land, thence along the line of the said Starbuck and Fogler's land to the Halifax harbor.

13 Vic., chap. 61. AN ACT TO AUTHORIZE THE APPOINTMENT OF TRUSTEES FOR THE PUBLIC BURIAL GROUND AT DARTMOUTH.

Passed 27th March, 1860.

Governor to appoint trustees.

1. *Be it enacted, &c.*—It shall be lawful for the governor in council to appoint three persons to be trustees of the public burial ground at Dartmouth; and upon their appointment the burial ground shall cease to be vested in the trustees of the Dartmouth common, and shall vest in the trustees who shall be so appointed; and the trustees shall hold the same upon the trust and for the purposes mentioned in the act passed in the fifth year of her majesty's reign; entitled, an act for establishing a public burial ground at Dartmouth, and according to the limits specified in the act passed in the sixth year of her majesty's reign, entitled, an act to amend the act for establishing a public burial ground at Dartmouth; and the governor in council shall have power to remove or change the trustees or any of them, at pleasure; and whenever any vacancy shall occur in the trust by death, resignation, or removal from office, the governor in council shall have power to supply the vacancy.

Duty of trustees.

2. The trustees shall have power to make and amend regulations for the improvement, protection, and management of the burial ground—which regulations, and any amendment thereof, shall be submitted to the general sessions of the peace, and when approved of and passed by the sessions, shall be valid and effectual for the purposes intended.

6 Vic., chap. 81. AN ACT TO ENABLE THE INHABITANTS OF UPPER MUSQUEDOBOIT TO ENCLOSE AND ORNAMENT THE PUBLIC BURIAL GROUND THERE.

Passed 19th March, 1842.

Preamble.

Whereas there is a public burial ground in the settlement of Upper Musquedoboit, which is made use of by the inhabitants without any distinction, there being no other burial ground in the said settlement, and it is necessary to provide for its proper order and keeping from the general contribution of all the inhabitants:

1. *Be it therefore enacted, &c.*, That from and after the passing hereof, it shall and may be lawful for the freeholders of the settlement of upper Musquedoboit, at the first public meeting after the passing of this act, to vote money for the support of the poor, to be convened agreeably to law, and annually, thereafter, to nominate and appoint three fit and proper persons, being freeholders in said settlement, as a committee to take charge of the said burial ground at upper Musquedoboit—which committee shall remain in office until the meeting of the freeholders in the next ensuing year, and have the care and custody of the said burial ground during the period aforesaid.

Freeholders to appoint a committee to take charge of the burial ground.

2. It shall and may be lawful for the said freeholders of the settlement of upper Musquedoboit, at their several meetings to be convened and held as aforesaid, in addition to the money required for the support of the poor, to vote such sum or sums of money not exceeding at one time the sum of fifty pounds, as they may think proper and necessary, for the fencing, ornamenting, and due order and keeping of the said burial ground—which money so voted for such purpose shall be added to and assessed, levied and collected, with and by the same means, under the same regulations and penalties, as other monies which shall or may be voted at the same meeting.

To vote money for fencing, &c.

3. When and as such monies voted as aforesaid, as well for the benefit of the poor as for such burial ground, are collected and got in, the same shall be paid over to the overseers of the poor, who shall account for and pay over to the committee to be appointed under this act, the proportion of such monies voted for such burial ground—which proportion of monies shall by the said committee be expended and applied for the fencing, ornamenting and due order and keeping of the said burial ground, and be faithfully accounted for to the then next annual meeting to be convened and held as aforesaid in the said settlement of upper Musquedoboit.

To be paid to and expended by the committee

AN ACT TO ENABLE THE INHABITANTS OF THE TOWNSHIP OF Lunenburg TO ENCLOSE THE PUBLIC BURIAL GROUND THERE.

Passed 19th March, 1842.

Whereas there is a public burial ground at Lunenburg, which is a general burial place, not belonging to any church or under the control of any peculiar denomination of christians—and it is necessary to provide for its proper order and keeping from the general contributions of such portion of the inhabitants of the said township as require the use thereof:

Preamble.

Money may be assessed at Lunenburg for the fencing and keeping in order the burial ground in that township.

1. *Be it therefore enacted, &c.,* That it shall and may be lawful for the freeholders of the township of Lunenburg, at any of their meetings to vote money for the support of the poor, in addition to the money required for the support of the poor, to vote such sums of money as they may think proper and necessary for the fencing and due order and keeping of the said burial ground— which money so voted for such purpose shall be added to, and assessed, levied and collected from such of the inhabitants of the said township as require the use of thereof, with and by the same means, under the same regulations and penalties as other monies which shall or may be voted at the same meeting, and when collected shall be applied to the purposes for which the same shall have been so voted.

8 Vic., chap. 8. AN ACT TO PROVIDE FOR THE SUPERVISION AND MANAGEMENT OF THE BURIAL GROUND NEAR KENTVILLE.

Passed 8th March, 1845.

Preamble.

Whereas Benjamin Peck, late of Horton, in King's county, in and by a certain deed or conveyance from him the said Benjamin Peck, and Mary Peck, his wife, to Joseph Barss, junior, bearing date on or about the first day of July, in the year of our Lord one thousand eight hundred and seventeen, did make a reservation in the words following, that is to say: "reserving nevertheless, half an acre of ground for a public burying place, in the grove of oaks on the north side of the county road, where my honored father and mother, and several other persons are buried, and laid out and surveyed as follows: beginning at an oak post standing one rod to the westward of a large oak tree marked—from the said oak post the line runs easterly adjoining said road twenty rods to another oak post marked—thence northerly four rods to another oak post marked—thence westerly twenty rods to another oak post marked—thence southerly four rods to the first mentioned bounds;" and whereas the said burial ground does not belong to, and is not under the control of any denomination of christians, and there are no persons properly authorized to take charge of the same, and in consequence thereof it is not fenced or enclosed, and the graves and tombstones are trampled upon and injured by cattle running at large over them, and the ornamental tress thereon are also often cut down and destroyed, and it is desirable that trustees should be appointed to take charge thereof:

Justices at general sessions to appoint trustees for burial ground.

1. *Be it therefore enacted, &c.,* That it shall and may be lawful for the justices at any general sessions of the peace held in and for King's county aforesaid, to nominate and appoint, during pleasure, three fit and proper persons, inhabitants of said county, to be

trustees for the said burial ground, whose name of office shall be "the trustees of the burial ground near Kentville;" and upon the death, removal, or refusal to act of any one or more of the said trustees, from time to time, at any such general sessions so held as aforesaid, to nominate and appoint some fit and proper person being an inhabitant of said county, to supply every such vacancy, and such appointment to renew whenever necessary, so that the trustees may always continue to be three in number, and also to remove any one or more of said trustees upon any good and sufficient reason therefor, as to the said justices may seem fit and proper, and his or their place to supply in manner aforesaid—which said trustees are hereby authorized and empowered to take charge and possession of the said burial ground, and to fence and enclose the same, and to take such other measures as they may think proper for the protection thereof.

Vacancies, how filled up.

2. The said trustees, in their name of office, shall have full power and lawful authority to sue and be sued, plead and be impleaded, and to commence, sue and prosecute, or cause to be commenced, sued and prosecuted, any action or actions, suit or suits at law or in equity, for any trespass or trespasses, or damage committed or done in or upon the said burial ground or any part thereof, or the appurtenances thereunto belonging, by any person or persons whomsoever.

Trustees may sue and be sued.

3. The said burial ground shall be open and free for the interment of the dead of all classes and denominations of persons, and according to such rites and ceremonies as the friends of the deceased may think proper, subject to the directions of the said trustees.

Burial ground to be open to all classes.

AN ACT RELATING TO THE BURIAL GROUND NEAR THE TOWN PLOT OF CORNWALLIS.

10 Vic., chap. 5.

Passed 17th March, 1847.

Whereas, in the original laying out of the township of Cornwallis, a reservation was made of a certain point of upland, commonly called the burying yard point lying east of the town plot of Cornwallis, as and for a public burial ground, and the same has always been occupied as such; and whereas there are no persons properly authorized to take charge of such burial ground, and in consequence thereof it is not properly fenced and enclosed, and the graves and tombstones are trampled upon and injured by cattle running at large over them, and it is desirable that trustees should be appointed to take charge thereof:

Preamble.

1. *Be it therefore enacted, &c.*, That it shall and may be lawful for the justices, at any general sessions of the peace held in

Justices to nominate trustees, &c.

Burial ground, &c.

and for king's county, to nominate and appoint, during pleasure, three fit and proper persons, inhabitants of said county, to be trustees for the burial ground aforesaid, whose name of office shall be —“the trustees of the burial ground near the town plot of Cornwallis;” and upon the death, removal or refusal to act, of any one or more of the said trustees, from time to time, at any such general sessions so held as aforesaid, to nominate and appoint some fit and proper person, being an inhabitant of said county, to supply every such vacancy—and such appointment to renew, whenever necessary, so that the said trustees may always continue to be three in number, and also to remove any one or more of said trustees upon any good and sufficient reason therefor, as to the said justices may seem fit and proper, and his or their place to supply in manner aforesaid, which said trustees are hereby authorized and empowered to take charge and possession of the said burial ground, and to fence and enclose the same, and to take such other measures as they may think proper for the protection thereof.

Powers of trustees.

2. The said trustees, in their name of office, shall have full power and lawful authority to sue and be sued, plead and be impleaded, and to commence, sue and prosecute or cause to be commenced, sued and prosecuted, any action or actions, suit or suits at law or in equity, for any trespass or damage committed or done in or upon the said burial ground, or any part thereof, or the appurtenances thereunto belonging, by any person or persons whomsoever.

Burial ground to be free to all denominations.

3. The said burial ground shall be open and free for the interment of the dead of all classes and denominations of persons, and according to such rites and ceremonies as the friends of the deceased may think proper, subject to the directions of the said trustees.

Proviso.

4. Nothing in this act contained shall affect, or be construed to affect, the right or title of any person or persons whomsoever to the said land, comprised in the said burial ground, or any part thereof.

4 Vic., chap. 14. AN ACT TO INCORPORATE THE GENERAL MINING ASSOCIATION.

Passed 29th March, 1841.

Preamble.

Whereas by a certain deed of settlement, duly executed, bearing date the tenth day of April, in the year of our Lord one thousand eight hundred and twenty-nine, certain persons, whose names and seals are to the said deed affixed and subscribed as parties to the same, associated themselves together as a company or association for certain defined purposes or objects in the said deed particularly mentioned;

and whereas the said association having become proprietors of a certain lease granted by his royal highness prince Frederick, late duke of York and Albany, since deceased, of certain mines, minerals, ores, and other property of the like description in this province—one of the purposes and objects of the said association was the working, opening and carrying on mines and mining operations in this province; and whereas for the purposes of the said association, its capital was fixed by the said deed at four hundred thousand pounds, sterling, divided in twenty thousand shares of twenty pounds each; and whereas such capital is now held by a large number of proprietors, respectively holding various numbers and different proportions of the said shares, of whom the persons hereafter named form part; and whereas the said association has, since its formation, by its constituted and authorized agent or agents in this province, proceeded to work upon an extensive scale, and with great expense, various mines of coal within this province, and to establish and put in operation iron foundaries and furnaces, and to carry on business of such and a similar description to a large amount; and whereas, in the prosecution of such works as above mentioned, and in the purchase of lands and other things requisite for their said business and undertakings, the said association have expended in this province a very large sum, being upwards of three hundred thousand pounds, sterling, and have consequently obtained and acquired extensive property, both real and personal, now held by the agents or trustees, or by some person or persons in trust, or to the use of and for the said association; and from the extent and amount of their business, and the great number of proprietors, all or most of them resident in England: and to facilitate the operations of the said association: and for the benefit of all and every person or persons who may have dealings and transactions with the said association: and to enable such person or persons more easily to enforce any right of action against the said association, it is expedient to declare such association to be a body politic and corporate:

1. *Be it therefore enacted, &c.*, That Edward Blount, Felix Calvert Ladbrooke, John Gawler Bridge, Jose de Silva, Ambrose Humphreys, Thomas Vigne, Alfred Charles Bridge, George Wane, Thomas Fane, John Easthope, Samuel Cunard, and all and every other person or persons whosoever, who now are or hereafter may be, or shall be or become a proprietor or proprietors of and in any share or shares of the joint stock, capital or funds of the general mining association, or the corporation hereby established, shall be, and they are hereby declared to be, one body, politic and corporate in deed and in name, by the name of the "general mining association," and by that name shall and may sue and be sued, defend and be defended, answer and be answered unto, implead and be impleaded in any court of law or equity or other place whatsoever; and by that name shall and may prefer, present and prosecute any indictment, information or criminal proceedings for or in

Proprietors of
joint stock.

To be a body po-
litic.

Name.

May sue and be
sued, &c.

ASSOCIATION.

Common seal.

Hold property,
&c.

May make bye-
laws.

Proviso.

Deed of settle-
ment,

To regulate the
company until
bye-laws are
made.

respect of any larceny, felony, misdemeanor or other offence done or committed against the said corporation, its goods, chattels or property whatsoever; and by that name shall have succession and a common seal, with liberty the same to change, alter, break and make anew, as to them shall seem fit; and by that name to have, hold, take, receive, occupy, open, work, possess and enjoy any property whatsoever either in fee simple or for term of years, or otherwise howsoever, and to grant, sell, let, demise, mortgage, convey and dispose of the same or any part thereof from time to time and at all times, as to the said corporation shall seem meet and most beneficial and advantageous to their interests.

2. It shall and may be lawful for the proprietors and shareholders of and in the said general mining association, hereby incorporated, as aforesaid, at any general meeting of such proprietors, called and convened in conformity with the provisions of the said deed of settlement hereinbefore referred to, or any future meeting of such proprietors, to be held and convened agreeably to such deed of settlement, or any bye-laws, ordinances, rules or regulations hereinafter mentioned, to make, constitute, pass, ordain, declare and establish such bye-laws, rules, ordinances and regulations for the management of the affairs and business of the said corporation, the appointment of its officers, the sale or transfer of shares, the manner of calling, holding and voting at any meeting of the proprietors of the said corporation, or of its directors; or for or touching any other matter or thing requisite or necessary for the good order and management of the said corporation, as by the said proprietors, or the majority of them present at such meeting, may be judged necessary and proper; and such bye-laws, rules, ordinances or regulations, or any and every of them, from time to time, in the same manner, to change, alter, revoke, revive, abrogate and amend, as may or shall be deemed proper and requisite: provided always, that no rule, bye-law, ordinance or regulation at any time to be made by the said corporation, shall be contrary or repugnant to any of the laws or statutes of this province, or those in force within the same.

3. Until such bye-law, rules, ordinances and regulations, shall be made and established as aforesaid, the several provisions, rules and regulations, mentioned, expressed, declared, established, or contained in and by the said deed of settlement shall be, and the same are hereby declared to be, so far as the same or any part or parts thereof can or may be in anywise applicable, or apply to a body politic and corporate, the rules, ordinances, bye-laws and regulations of the said corporation hereby established, and to be of the same force and effect, to all intents and purposes, as if the same were made and established under and by virtue of this act; and the said corporation, its affairs and business, shall in all respects, until the contrary shall be declared and established, by some rule, bye-law, ordinance, or regulation of the said corporation, to be made and passed as hereinbefore directed, be carried on,

managed and conducted, as in the said deed of settlement is directed; and the several directors, auditors, agents, engineers and other officers of the said association now in office, or to be in office at the passing of this act, shall remain and continue in office until others are appointed by the said corporation hereby established, and such directors, auditors, engineers, agents and other officers, shall have, use, perform, exercise, and shall be entitled and liable to such powers, authorities, privileges, duties and responsibility, in and about the affairs and management of the said corporation, as is prescribed and provided in and by the said deed of settlement, or as may or shall be, from time to time provided and prescribed by any bye-laws, rules, ordinances and regulations of the said corporation, to be made as hereinbefore directed.

4. From and after the passing of this act, all property, whether in fee simple, for term of years, or otherwise whatsoever, held or possessed by, or in the name of, any person as the agent or trustee; or in any manner held and possessed in trust, for and to the use, or as the property of the said general mining association, shall, after the passing of this act, be and be deemed, and be adjudged and construed to be, the property of the corporation hereby established, in the same manner, to all intents and purposes, as if the name of the said corporation had been originally mentioned and inserted in any deed, lease, document, contract or conveyance, relating to, or touching any property whatsoever, as if such corporation had been established, or was actually in existence at the time the same was acquired by, or in behalf of, or in trust for, or to the use, and as the property of, the said general mining association; and in all actions or suits at law, for or in respect of, or in anywise touching any such property, it shall and may be lawful to use the name of the said corporation, in the same manner, and with like effect, to all intents and purposes, as if the property in question, in any such action, had been actually originally conveyed or acquired, to or by the said corporation, in the name of such corporation, notwithstanding their estate or interest in the same may only be an equitable interest.

5. Nothing herein contained shall extend or be construed to extend to discharge or release any personal liability or responsibility incurred by any agent, trustee, officer or servant of the said general mining association or by the proprietors or persons composing such association, either collectively or individually, under or by virtue or in respect of any contract, conveyance, bargain or agreement whatsoever heretofore made, entered into or executed by such agent, trustee, officer or servant, or by or on behalf of the said association; but such personal liability or responsibility shall remain and continue; and every such contract, conveyance, bargain or agreement may be enforced against any party legally chargeable, liable or responsible under and by virtue or in respect of the same, in the same manner as if this act had not been passed.

6. From and after the passing of this act, it shall and may be

Present directors,
&c. to remain in
office till others
are appointed.

Property to vest
in company.

Nothing herein
contained to limit
responsibility of
the association or
its agents.

Suits against the
company.

lawful for any person now having, or hereafter acquiring, obtaining or becoming entitled to any right of action or suit against the said corporation, from and after the passing of this act, to commence, sue or prosecute any suit or action against the said corporation, in the same manner, and to take, have and use all the like courses, steps and proceedings as are prescribed in and by the act passed in the fifth year of the reign of his late majesty king William the fourth, entitled, an act concerning suits against foreign bodies, politic and corporate, and to repeal the acts now in force; and any suit so brought, commenced and prosecuted, shall and may be brought, commenced, sued and prosecuted against such corporation in the same manner and with the like effect; and the said corporation, its property, real and personal, and the agent of such corporation, shall be bound and liable, and rendered responsible or available to and for the payment of any judgment or execution to be given or issued in such suit or action in the same manner as if the said corporation were a foreign body, politic or corporate, within the meaning of the said act.

Not to lend money by way of discount or underwrite.

7. Nothing herein contained shall extend or be construed to extend to authorize or permit the said corporation to lend money by way of discount, or to enter into any banking operation whatsoever, or to underwrite, or make as underwriters, any policy or policies of insurance against loss by fire, or on any marine risk, or upon any life or lives.

Construction of certain words.

8. The word "property," as used in this act, shall apply to and include, and be held and taken to comprehend any lands, tenements or hereditaments, mines, minerals, seams or veins of ores, minerals or mineral substances, goods, chattels, property, real or personal whatsoever; and wherever words are used in this act, importing the singular number only, such words shall extend and be applied to several persons and things as well as one person and thing, except when the nature of the provisions on the context shall exclude such construction.

Conveyance of real estate, how to be made.

And whereas it is necessary to facilitate the conveyance of real estate by the corporation hereby established:

9. It shall and may be lawful for the said corporation, by any power or powers of attorney, under the seal of the said corporation, to appoint an attorney or attornies in this province, with power and authority to sell, convey and dispose of any lands, tenements or hereditaments within this province, which are now, or by virtue of this act, shall be or become vested in the said corporation; and any deed or conveyance made or executed by and in the name of the said corporation, by any attorney or attornies so to be appointed, shall be good, valid and sufficient, to convey and assure the right, estate or interest, of the said corporation, of and in the lands, tenements or hereditaments described in the said deed or conveyance to the extent therein specified, and be of the same force and effect, to all intents and purposes, as if made under the seal of the said corporation, notwithstanding the said seal may not be affixed

thereto; provided always, that such deed or conveyance be signed in the name of the said corporation, by its attorney or attorneys so appointed, and be under seal. Provide.

And whereas it is also necessary to enable the said corporation to make agreements and contracts by their attorney or attorneys, not under seal, and to indorse and negotiate bills of exchange and promissory notes: May make contract, &c. by attorney.

10. It shall and may be lawful for the said corporation, by any power or powers of attorney, under the seal of the said corporation, to appoint any attorney or attorneys in this province, for or on behalf and in the name of the said corporation, to make any particular or specific contract or agreement whatsoever, or to make, draw, indorse or negotiate, any specific note or bill of exchange, or generally, to conduct and manage all or any such business, and to make any contract or agreement, or to make, draw, indorse or negotiate, any note or bill of exchange.

11. Any contract, agreement or security, made in the name of the said corporation by any such attorney or attorneys, or any promissory note or bill of exchange, made, drawn and endorsed, in the name of the said corporation, by any such attorney or attorneys, within the scope of his or their power of attorney, shall be valid and binding on the said corporation to all intents and purposes; and such corporation shall be liable in any action or suit at law or in equity upon the same, notwithstanding the same may be or be deemed a parol contract only. Contract so made binding after parol.

12. Every power of attorney hereinbefore referred to, before it is acted upon, shall be registered at the office of the registrar of deeds at Halifax, in the books of registry there; and whenever any deed or conveyance of lands, tenements or hereditaments, shall be made or executed under any such power of attorney, such power of attorney shall also be registered in the county wherein such deed or conveyance, by law, is required to be registered. Power of attorney to be recorded.

13. This act shall continue and be in force for twenty-five years, and from thence to the end of the then next session of the general assembly. Continuation of act.

14. Nothing in this act contained shall be of any force or effect until her majesty's assent shall be signified thereto. Sustaining clause; her majesty's assent given.

AN ACT TO RAISE FUNDS IN THE COUNTY OF PICTOU.

12 Vic., chap. 36.

Passed 31st March, 1849.

Whereas the general sessions in and for the county of Pictou, in consequence of the distressed condition of part of the inhabitants thereof, both from the want of provisions and seed, have determined

to raise funds on the credit of said county, in order to afford the relief which the exigency requires :

Sessions to borrow
on credit of coun-
ty.

1. *Be it therefore enacted, &c.*, That it shall be lawful for the said sessions to raise and borrow, on the credit of said county, and for the purposes aforesaid, such sums of money, and on such terms and at such rate of interest as the said sessions, by order passed at a general or special sessions may order and direct : provided the same do not exceed in all the sum of five thousand pounds, and the interest thereon do not exceed the rate of six per cent.

Proviso.

Division of money.

2. The said sums of money, when so raised and borrowed as aforesaid, shall be divided and apportioned in the following proportions, that is to say—two-fifths thereof to the township of Pictou—two-fifths to the township of Egerton, and one-fifth to the township of Maxwellton.

Custos and clerk
of peace, with
three magistrates,
to execute bonds.

3. As soon as this act shall go into operation, it shall be lawful for the custos of the said county of Pictou, and the clerk of the peace, together with three magistrates duly appointed by the sessions in such behalf, to execute in their own names, but solely in their respective capacities of office, for and on behalf of said county, all such bonds, to the lenders of such money in such sums, and on such terms as have been arranged, as hereinbefore provided : which bonds shall, after due execution, constitute a debt or charge against said county, until the same be discharged as hereinafter provided.

Sessions to ap-
point town com-
missioners ; their
duties.

4. As soon as this act shall go into operation, it shall be lawful for the said sessions at any general or special meeting, to nominate and appoint in each of the three townships in said county, three fit and proper persons, residents respectively therein, who shall be called and known by the name of loan commissioners, whose duty it shall be to receive the money from the lenders, and to apportion the same in such proportions as they may think fit among the various districts set apart for the support of the poor in each of said townships ; and to take in their own names, but for the benefit of said county, all such notes, bonds, obligations, deeds, mortgages or other securities, as they may deem requisite to ensure the repayment thereof, and of the interest to accrue thereon, and the expenses and charges attendant upon the management of said loan fund.

Rate payers to
persons to hear
applications ;
their duties—
grants &c. of relief,
&c.

5. It shall be lawful for the rate payers in each of the sections set apart in said county for the support of the poor, at any meeting held for such purpose, after three day's notice, to nominate and appoint three fit and proper persons residing in each of said sections, who, upon being approved of by said loan commissioners, shall thereupon proceed to hear and determine all applications from the residents in said districts respectively, for relief from the said loan fund ; and also shall adjust and settle the securities to be given by the applicants to said commissioners in each of said districts as aforesaid ; and that the said commissioners as aforesaid shall only grant relief out of said loan to such applicants as may have been approved of by said three persons nominated as aforesaid, and given security as aforesaid.

6. On failure of payment by the said applicants, or any of them, to whom aid and relief shall have been given as aforesaid, according to the terms of the security given to the said loan commissioners as aforesaid, it shall be lawful for the said sessions at any general or special meeting, or for the supreme court, or for any judge of the supreme court, in term, on circuit or at chambers, on application therefor, by affidavit, by said loan commissioners, or their lawful agents in such behalf, at any future time, to direct and order that the balance then due from any of the said districts or sections by reason of failure of re-payment by such applicants, or any of them as aforesaid, or due for and on account of the necessary expenses and charges, if any, attendant upon the management of said loan fund, or for defalcations, if any, of any commissioner or person employed in the management of said funds in each of said sections respectively, shall be assessed and levied upon the inhabitants residing and being in such sections, in the same way and manner and in the same proportions as the poor rates are now or have been heretofore assessed upon the inhabitants of said sections, in order that the said loan and interest thereon, and all the expenses and charges, if any, attendant upon the management thereof, and defalcations, if any, as aforesaid, may be fully repaid and made good to the said commissioners, and to the lenders of the said loan fund, to be raised and borrowed upon the credit and pledge of the real and personal estate, situate and being in the county as aforesaid, and liable to be rated for poor rates therein.

On failure of payment, balance to be assessed on inhabitants; mode of assessment, &c.

7. The said three sets of commissioners as aforesaid, shall be required, each acting for themselves only, to enter into and execute to the custos, for behoof of the said county, good and sufficient bonds, with a condition rendering it obligatory on them, well and faithfully to manage and distribute the proportion of said funds coming to them in the proportions hereinbefore stated, to render not less than once in six months to the said sessions a true and faithful account thereof; and to pay over and account to the said lenders for all sums of money respectively received by or paid to them, for and on account of said loan funds as aforesaid.

Commissioners to give bonds for performance of duties, &c. &c.

8. The said county of Pictou shall be answerable as aforesaid to the said lenders, for and on account of all losses and defalcations by the said commissioners, or any of them, or by any persons employed in the management of the said funds; and that the said real and personal estate in said county liable as aforesaid for poor rates, shall not be relieved from liability to the said lenders for and on account of said loan, and interest to accrue thereon, until the same shall fully be repaid to them by the said commissioners or their agents in such behalf.

County of Pictou to be liable for loans and interest thereof.

9. In the event of the failure of payment of the said assessment hereinbefore provided to be made, or part thereof, by any of said sections, it shall be lawful for the said commissioners of the township in which such section shall be situate, to apply to the sessions, the supreme court or any judge thereof, in the way and manner

On failure of payment by sections, commissioners to obtain order for assessment.

provided by the sixth preceding section of this act, for an order to amerce and assess the whole of the inhabitants of said township for any such deficiency as hereinbefore referred to.

On neglect of commissioners, lenders to apply for order to assess.

10. If the said loan commissioners, or any or all of them, shall wrongfully neglect and refuse, after request, to apply to the said sessions, the supreme court or any judge thereof as aforesaid, for an order to assess any of the said districts or townships, for the sums fairly due to the lenders of said loan funds as aforesaid, then it shall be lawful for the said lenders to apply by affidavit, by themselves or their agents, to the said sessions, supreme court or a judge thereof, sitting in circuit or in chambers as aforesaid, for an order to assess the said district or any of them, or said townships for any balances then due; and that under all orders issued by virtue of this act the assessors and collectors of the poor rates for the time being, shall forthwith proceed to assess and collect the said rates in the same manner as has been heretofore practised in the assessment and collection of poor rates in and for said county of Pictou.

Proceedings thereon.

13 Vic., chap. 43. AN ACT TO INCORPORATE THE CARPENTERS' SOCIETY OF HALIFAX.

Passed 28th March, 1850.

Incorporated.

1. *Be it enacted, &c.*—The following persons residing in or near the city of Halifax, viz: James Dechman, William Cutlip, William Lovett, Matthew Lownds, James Thomson, Thomas Clouston, Andrew Williams, Robert Richardson, John L. Barry, Henry Dugwell, Patrick Sullivan, Thomas H. Peters, George Butler, Peter Thorogood, Daniel Smith, John Twaddle, and such other persons as are or may become members of the carpenters' society of Halifax, are hereby incorporated by the name of "the carpenters' society of Halifax," and by that name shall have perpetual succession and common seal, and may sue and be sued, and may take, purchase and hold real and personal estate, and may make bye-laws for the regulation of the society; but the corporation shall not hold real estate beyond the value of five thousand pounds in all.

Real estate vested in corporation.

2. The real estate now in possession of the society, by virtue of a deed from Samuel George William Archibald, and Elizabeth Archibald, to James Dechman and others, as trustees for the society, bearing date on or about the nineteenth day of July, in the year one thousand eight hundred and twenty-one, and known as the capenters' hall, shall be vested in the corporation; but this clause shall not affect the rights of her majesty, or of any body politic or corporate, or of private individuals.

3. The rules now in force in the society being the same which were printed in the year one thousand eight hundred and thirty-three, under the title of "rules and regulations of the brother carpenters' society of Halifax, Nova Scotia, Halifax, revised and reprinted by J. Munro, 1833," shall continue to be the rules of the corporation, until the same shall be repealed or amended in manner thereby directed. Rules of corporation.

4. There shall be a special committee of the society, consisting of five members, and the same James Dechman, William Lovett, William Cutlip, Matthew Lownds, and James Thomson, shall be such special committee for the present year, two of the members going out of the office yearly; and in future the appointment of the special committee shall be in accordance with such rules or bye-laws as the society may adopt; and the same James Dechman, William Lovett and William Cutlip, shall each remain on the committee during their lives, except in case of voluntary resignation; and the special committee shall have the charge of the real and personal property of the society subject to the bye-laws; and the chairman of the special committee by them annually elected, shall have the care and keeping of the common seal, and of the title deeds and documents; and the special committee shall be subject to the direction of the society at its quarterly meetings, and shall render an account or report of its proceedings at the annual meetings. Special committee.

5. It shall not be lawful to mortgage, sell, or lease the real estate of the society, for any term beyond five years, unless upon a vote of two-thirds of the members present at a regular quarterly meeting, and after notice has been specially given of the mortgage, sale or lease, proposed by a written resolution, clearly expressing the terms thereof, moved and seconded at a previous quarterly meeting. Sale, &c. of real estate restricted.

6. Whenever it shall be requisite to affix the common seal of the society to any deed of conveyance of real estate, the signatures of any two or more of the special committee, and also of the president and secretary of the society shall be affixed to the deed. Affixing common seal.

7. The special committee, or the major part of them, shall have power to let the carpenter's hall, or any part thereof, for any term not exceeding five years, reserving and excepting such use of the same as the society may require for its meetings. Lease of carpenter's hall.

8. The government of the society, and the general disposal of its funds, rents, and other property, shall be vested in the members thereof, at their quarterly and other meetings, and in their president and other officers chosen and acting under the rules and bye-laws. Government of the society.

13 Vic., chap. 48. AN ACT TO ENABLE THOMAS ROBSON TO OBTAIN LETTERS PATENT FOR THE INVENTION OF A FOG BELL.

Passed 28th March, 1850.

Letters patent
may be given
to T. Robson.

1. *Be it enacted, &c.*—It shall be lawful for Thomas Robson, of Sackville, in the province of New Brunswick, upon his having complied with the provisions of the acts heretofore made for granting patents for useful inventions, to obtain letters patent for his invention of a fog bell, notwithstanding his residing out of this province, the same in every respect as if he had been an inhabitant thereof, and had resided therein for one year previous to such application being made; and after such letters patent are obtained he shall be entitled to all the rights and privileges by such acts conferred.

14 Vic., chap. 26. AN ACT TO AUTHORIZE THE GRANTING OF LETTERS PATENT TO MOORE R. FLETCHER, FOR A MARINE ALARM BELL.

Passed 31st March, 1851.

Enables M. R.
Fletcher, upon his
compliance with
laws concerning
patents to obtain
letters patent for
his invention.

1. *Be it enacted, &c.*—It shall be lawful for Moore R. Fletcher, doctor of medicine of Saint Andrews, in the province of New Brunswick, upon his having complied with the provisions of the acts heretofore made for granting patents for useful inventions, to obtain letters patent for his invention of a marine alarm bell, notwithstanding his residing out of this province, the same in every respect as if he had been an inhabitant thereof and had resided therein for one year previous to such application being made; and after such letters patent are obtained he shall be entitled to all the rights and privileges by such acts conferred.

11 Vic., chap. 25.

AN ACT CONCERNING THE ELECTRIC TELEGRAPH.

Passed 1st April, 1848.

Preamble.

Whereas the political and commercial interests of the empire render the transmission of intelligence of the greatest importance, and the establishment of a line of electric telegraph from the Atlantic shore to the St. Lawrence, through British territory, will greatly facilitate the same, and tend to unite more closely British America with the mother country:

1. *Be it enacted, &c.*, That it shall be lawful for the governor in council to appoint and commission five fit and proper persons to be, during pleasure, commissioners for establishing a line of electric telegraph from the city of Halifax to the line dividing this province from the province of New Brunswick, and to extend the same, if necessary, until it communicates with the line established from the city of Quebec to the frontier or boundary line of New Brunswick, and from time to time, as vacancies occur in such office of commissioners either by revocation, death, resignation, continued absence from Halifax, or otherwise, to supply the same by new appointments.

Appointment of commissioners.

2. Such commissioners, or any two of them, shall have full power and authority to take and receive, in the name and to the use of her majesty, her heirs and successors, gifts, grants and donations, and to purchase lands, tenements and hereditaments, and also to sell any of the said lands, tenements and hereditaments, purchased for the purposes aforesaid; and any person, bodies, politic or corporate, or communities, may give, grant, bargain, sell or convey to the said commissioners, acting for or on behalf of her majesty, any lands, tenements and hereditaments for the purposes aforesaid; and the said commissioners, or any two of them, shall be and are hereby authorized and empowered, from and after the passing of this act, by themselves or their deputies, contractors, agents, officers, workmen and servants, to make and complete an electric telegraph, to be called "the Acadian telegraph," from the city of Halifax to the line dividing the two provinces of Nova-Scotia and New Brunswick, at such point or place as may by the said commissioners be found most advisable, and to establish, if necessary, a continuation thereof under legislative authority through the province of New Brunswick, until it meets and joins the electric telegraph from Quebec to the frontier or boundary of Canada, and to construct station houses and observatories at either termination, and at such other places on the line of the said telegraph as they may deem expedient.

Their power, authority and duties.

3. For the purposes aforesaid, the said commissioners, their deputies, servants, contractors, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises, leave and license therefor being first had and obtained of the queen's most excellent majesty, or of any person, bodies, politic, corporate or collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting and preserving, improving, completing and maintaining, and using the said intended telegraph and other works; and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or

Surveys of lands, making and repairing telegraph, erection of station houses, &c.

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things which may be dug or got in making the said intended telegraph or other works, in or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this act, and to build, erect and set up in or upon the lands to be acquired for that purpose under this act, such and so many station houses and observatories, watch houses and other works, ways, roads and conveniences as and where the said commissioners shall think requisite and convenient for the purposes of said telegraph; and also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any river or brook, for the making, using, maintaining and repairing the said intended telegraph, and to construct, erect, make, and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended telegraph and other works, in pursuance of and according to the true intent and meaning of this act, they, the said commissioners, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water courses, brooks or rivers respectively which shall be taken, used, removed or prejudiced, or for all damages to be by them sustained in or by the execution of all or any of the powers of this act; and that whensoever and wheresoever the said telegraph do or shall pass through any wood or forest, the trees and underwood shall be cut down for the space of fifty feet on each side of the said telegraph by the proprietors of the lands upon which such trees and underwood may be, and in default thereof, that the said commissioners may cause the said trees and underwood to be cut at the cost of such commissioners, and this act shall be sufficient to indemnify the said commissioners and their servants, contractors, agents and workmen, and all other persons whomsoever, for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned: provided always that such trees and underwood so cut down as aforesaid shall continue the property of the proprietor of the said lands if not required for the said works.

Proviso.

Map of line of telegraph, &c., and book of reference to be filed in provincial secretary's office.

4. For the purposes of this act the said commissioners shall and may, by some sworn surveyor, cause to be taken and made surveys of the lands through which the said intended telegraph is to be carried, together with a map or plan of the line of such telegraph, and of the course or direction thereof, and of the lands through which the same is to pass, and also a book of reference for

the said telegraph, in which shall be set forth a description of the said several lands and the names of the owners, occupiers, and proprietors thereof, and in which shall be contained every thing necessary for the right understanding of such map or plan, which said map or plan and book of reference, shall, on the completion of said telegraph, be made, or caused to be made, and certified by said commissioners, who shall deposit copies thereof in the office of the provincial secretary for the province of Nova Scotia, and also retain one copy for the said board of commissioners; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and make extracts or copies thereof as occasion shall require, paying to the said provincial secretary for the time being, at the rate of one shilling for each search, and sixpence, current money of the province, for every hundred words; and the said copies of the said map or plan and book of reference so certified, or a true copy thereof, certified by the said provincial secretary aforesaid, shall severally be, and are hereby declared to be good evidence in the courts of law and elsewhere.

5. The said commissioners shall have full power and authority to set up posts for supporting the wires of the said telegraph, in and upon any public road, street, or highway, and to make the necessary excavations in the same for placing such posts or poles; and such posts or poles, and all wires and other apparatus therewith connected, shall be, and be deemed to be, to all intents and purposes, the property of the queen's most excellent majesty, as shall also all such posts or poles, or apparatus as shall be set up by the said commissioners for the purposes aforesaid, although the lands on which the same are set up be not property purchased or obtained by the said commissioners under this act.

Erection of posts
on public roads.

6. After any lands or grounds shall be set out and ascertained, and the line of the said telegraph designated in manner aforesaid for making and completing the said telegraph and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies, politic, corporate or collegiate, corporations, aggregate or sole, communities, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes covert, or other persons who are or shall be seized, possessed of, or interested in any lands or grounds which shall be set out and ascertained as aforesaid, or any part thereof, or upon or across which the said commissioners shall have occasion to set up any posts or poles, or other apparatus, or to acquire the right of way or other easement or servitude, or right to contract for, sell, and convey unto the said commissioners, acting for and on behalf of her majesty, to her majesty the queen, her heirs and successors, all or any part of such lands or grounds which from time to time be set out and ascertained as aforesaid, or the right, easement, or servitude so required by the said commissioners; and that all contracts, agreements,

Sale of lands to
commissioners.

sales, conveyances, and assurances to be made, shall be valid and effectual in law, to all intents and purposes whatsoever, any law, usage, statute, or custom to the contrary thereof in anywise notwithstanding; and all bodies, politic, corporate or collegiate or communities, and all persons whatsoever so contracting and conveying as aforesaid, are hereby indemnified for what they, or any of them, shall respectively do, by virtue of, or in pursuance of this act; and that all such contracts, agreements, sales, conveyances and assurances, or notarial copies thereof, shall, at the expense of said commissioners be deposited in the office of the provincial secretary, as aforesaid, and true copies thereof shall be allowed to be good evidence in all courts whatsoever.

Lease of lands—
amount of rent,
&c.

7. Any body politic, community, corporation, or other person whosoever, who cannot, in common course of law, sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum to be paid for the lands or grounds so set out and ascertained, as necessary for making the said telegraph and other purposes and conveniences relative thereto, and connected therewith; and in case the amount of rent shall not be fixed by voluntary agreement or compromise, or by arbitration between the parties, it shall be fixed as hereinafter provided, and all proceedings and litigations in courts, shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained for the purchase of any lands or grounds, the said telegraph, and the tolls and emoluments to be levied and collected thereon or arising therefrom, shall be and are hereby made liable and chargeable in preference to all other claims or demands thereon whatsoever,

Compensation to
owners of land
by agreement, ar-
bitration, applica-
tion to justices of
supreme court,
&c., &c.

8. It shall be lawful for the said commissioners to apply to her majesty, and all the several owners of the estates, lands and grounds through which such telegraph is intended to be carried, and to agree with such owners respectively touching the compensation to be paid to them by the said commissioners for the purchase thereof, or for the right, easement or servitude required by the said commissioners in or upon the same, and for their respective damages; and in case of disagreement between the said commissioners and the said owners, or any of them, then all questions which shall arise between the said commissioners and the several proprietors of, and persons interested in any estate, lands or grounds that shall or may be taken, affected or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may or shall be at any time sustained by any bodies, politic or corporate, or communities, or any other persons respectively, being owners of, or interested in any estate, lands or grounds, for or by reason of the making, repairing or maintaining the said telegraph, or other works, incidental or relative thereto or connected therewith, shall and may be settled by agreement of the parties, or by arbitration, or if either of the parties shall not be inclined to make an

agreement, or to appoint arbitrators, or by reason of absence shall be prevented from treating, or through disability by non-age, coverture or other impediment, cannot treat or make such agreement, or enter into such arbitration, or shall not produce a clear title to the premises which they claim an interest in, then and in every such case, it shall be lawful for the said commissioners to apply either in term time, or vacation, to any one or more justices of her majesty's supreme court in this province, by petition stating the nature and situation of the lands and property, and the estate or interest therein they desire to acquire and the proceedings had with respect to the same, and the names and abode of the owners, proprietors and tenants thereof respectively, so far as they can be ascertained, and praying for the appointment of appraisers to value the property and estate, and interest therein so required by said commissioners, and praying also the transfer and conveyance, or renting thereof to the said commissioners for and on behalf of the queen, whereupon, the said justice or justices shall appoint a time and place for considering the said petition with respect to each several lot referred to therein, and shall direct notice to be given to all parties interested in each particular lot petitioned for, who may have their abode in this province, or in the case of the absence of any such parties, then to the person entrusted with the care or management and control of such lots, lands or grounds respectively, requiring the parties respectively interested to attend before them in person, or by their attorney or agent, at the time appointed for the purpose, and at the time so appointed, shall require the said commissioners to nominate one appraiser, and the party interested in said lots, lands or grounds, to nominate also on his part one appraiser; and the said justice or justices shall name one other appraiser, and shall by an order in writing, constitute and appoint the persons so chosen and named to act and be appraisers of the value or rent, as the case may be, of the several and respective lots, parcels or pieces of land, ground or tenements and premises, by the petition respectively referred to; and in case the parties, collectively, interested in any lot, parcel or piece of land, ground, tenement or premises, so required by the said commissioners or having in the absence of the proprietor control and management thereof as aforesaid, shall fail to attend at the time and place appointed, or shall neglect or refuse to name an appraiser as aforesaid, the said justice or justices shall name one fit and discreet person to act as appraiser on behalf of the party so failing to appear, or declining, or neglecting to make such nomination as aforesaid; and the persons so named and chosen as aforesaid, shall, before they enter upon the duties of their appointment, severally subscribe an affidavit, and make an oath before the said justice, or one of the said justices, or any other justice of the supreme court, or a master in chancery, faithfully and impartially to perform the trust and duties so required of them by the order of the said justice or justices—which affidavit, with the said petition, shall be filed in the office of the prothonotary

of the supreme court at Halifax; and the said appraisers or a majority of them, shall make a just and equitable valuation and appraisement of the fair and reasonable value in money, of the fee simple, inheritance or annual rent, as the case may be, of each several lot, piece or parcel of land, ground or tenements in the said petitions referred to and applied for, or the gross sum which ought to be paid for the lease thereof; and shall certify and return their award, appraisement and determination, in writing, touching the value, price or rent aforesaid, and of each several lot, piece or parcel of land, under their hands, or the hands of the majority of them, into the office of the said prothonotary, whereupon, if the supreme court at Halifax, in term time, or any one or more justices thereof, in vacation, shall be of opinion that the said award and valuation hath been fairly, equitably and impartially made, and if no sufficient cause shall be shown against such award and valuation, the said court or justice, or justices, shall confirm the same, and thereupon the said commissioners shall pay and satisfy to the persons entitled to receive the same, the full amount of such award or valuation, together with such costs and expenses as the said court or justice, or justices, shall deem it reasonable to adjudge to be paid by the said commissioners.¹

Powers of supreme court relative to proceedings on appraisements, &c.

9. The said justice or justices, and also the said supreme court, shall have, with respect to the proceedings touching such appraisement and estimation of damages by means aforesaid, and with respect to the allowance and taxation of costs to or against the parties, all necessary discretion, powers and authority, and shall and may enquire into the proceedings, by oath of witnesses or otherwise, and shall and may also, on good cause shown, set aside any such award and appraisement, and either direct the parties appraisers again to view, estimate and decide on the value of such lands, yearly or otherwise, as aforesaid; or otherwise, if it shall be deemed expedient, may nominate other appraisers and make an order for their making a new appraisement and valuation of the same respectively; and the appraisers so nominated shall be sworn as aforesaid, and the award or appraisement so by them, or the majority of them, made and returned in writing, when approved and confirmed by the court or justice, or justices aforesaid, shall be final between the parties, and may be carried into effect accordingly.

Award on second appraisement to be final.

10. The award made on the second appraisement shall be final and conclusive to all intents and purposes whatsoever.

Title to land referred to in award. Delivery of possession and execution of conveyance thereof, &c.

11. Immediately upon payment of the sum awarded, and the costs being made as aforesaid for any lot, piece or parcel of land referred to in any such petition, the same shall be and be deemed vested in her majesty the queen, her heirs and successors, if the said award be for the purchase thereof, or for such term as in the said award may be set forth, so far as the true and rightful ownership of said land, ground or tenements may have been correctly set forth in said petition, and thereupon, on application of the said commissioners, it shall be lawful for the said court, or any one or

more justices thereof, on proof made of such payment by any order to be made in the matter of said petition, to require the party in possession of or claiming title to any lots, pieces or parcels of land, ground or tenements, for which such payment has been made, to deliver up possession of the same to the said commissioners, or to authorize the said commissioners to enter into such lot by any of the officers, servants, contractors, agents or workmen of the said commissioners, and to retain such possession; and further, if need be, by any order of the said court, or justice or justices, to empower the sheriff or his deputy to put the said commissioners, by their officers or servants, into quiet possession of such lot, piece or parcel of land, ground or tenement, and likewise by any order of the said court or justice, or justices, to require and direct any such persons so interested in any such parcel or lot so valued and paid for as aforesaid, or in case of their absence from the province or other disability, then the person in charge thereof as aforesaid to make, sign, seal and execute all such deeds, grants, conveyances, demises or other documents as may be necessary for the purpose of conveying the same, and legally investing the same in her most gracious majesty the queen, her heirs and successors; and in case of neglect or refusal on the part of any person to comply with any such orders, then, as the case may require, obedience to and compliance with the same shall be enforced by the usual process therefor, to be issued by the said court or justice, or justices.

12. All agreements, sales and conveyances, and all determinations by arbitration as aforesaid, or notarial copies thereof, when the same may be passed before notaries, and also the said appraisements, and judgments, or orders thereon, by the said court or justice, or justices, shall be transmitted to and registered in the registry office for the county in which the lands, tenements or hereditaments shall be situated, and that the same shall be therein registered at full length, having been proved as deeds and conveyances of real estate are now or shall be hereafter proved under the laws of this province; and all persons shall have liberty to inspect the same, paying for each inspection six pence, currency, and to have and obtain copies thereof, paying for every copy thereof, not exceeding one hundred words, the sum of six pence, currency, and so in proportion for any number of words; and immediately on payment of such purchase money or rent as aforesaid, and entry or registration of such agreements, sales, conveyances. determinations by arbitration, orders, judgments of the said court or justice, or justices, all the estate, right, title, interest, use, trust, property, claim and demand, in law and equity, of the person for whose use such money or rent shall be paid in, to, and out of the lands, grounds, tenements, hereditaments and premises shall vest in her majesty the queen, her heirs and successors, and they shall be respectively deemed in law to be in actual possession and seisin of the same, to all intents and purposes whatsoever, as fully and effectually as if every person having an estate therein had been able to convey and

Registry of agreements, conveyances, &c.—inspection thereof, &c.

had actually conveyed the same to them by the most effectual legal conveyance, and such payment shall bar all right, title, interest, claim and demand of the person to whose use the same shall be made, bodies, politic, corporate or collegiate, ecclesiastical or civil communities, women subject to marital authority, minors, interdicted persons or absentees, who may have or claim to have any right, title, interest, claim or demand therein, and of every other person whomsoever, any law to the contrary notwithstanding.

Applications for indemnity.

13. Applications to the said court or justice, or justices, for indemnity for any damage or injury sustained by reason of the power and authority given under and by this act, shall be made within six months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six months next after the doing or committing such damage shall cease, and not afterwards: and the defendant may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by the authority of this act.

Penalty for obstruction of telegraph.

14. If any person shall by any means or in any manner or way whatever wilfully obstruct or interrupt the free use of the said telegraph, or the other works incidental or relative thereto or connected therewith, such person shall for every such offence incur a forfeiture or penalty of not less than five pounds nor exceeding ten pounds, currency—one half of which penalty and forfeiture to be recovered before one or more justices of the peace for the county shall go to the prosecutor or informer, and the other half shall belong to her majesty, her heirs and successors, and shall be paid into the hands of the treasurer, and be applied for the public uses of this province and the support of the government thereof.

Wilful damage to telegraph adjudged felony.

15. If any person shall wilfully and maliciously, and to the prejudice of said telegraph authorized to be made by this act, break, throw down, damage or destroy the same or any part thereof, or any of the station houses, watch houses, observatories, ports, poles, wires, or other apparatus, works or devices, incidental or relative thereto or connected therewith, or do any other wilful hurt or mischief, or shall wilfully and maliciously obstruct and interrupt the free use of the said telegraph or any of the appurtenances thereof, or obstruct, hinder or prevent the carrying on, completing, supporting and maintaining, using or working of the said intended telegraph, such person shall be adjudged guilty of felony, and the court by and before whom such person shall be tried and convicted shall have power and authority to cause such person to be punished in like manner as felons are directed to be punished by the laws in force in this province, or in mitigation thereof, to award such sentence as the law directs in cases of simple larceny, as to such court shall seem fit.

Three commissioners to form a quorum.

16. Any meeting of the said commissioners, at which not less than three commissioners shall be present, shall be competent to do and perform all and any of the powers hereby vested in said com-

missioners : provided always that such board of commissioners shall from time to time be subject to the examination and control of the governor in council, and shall pay due obedience to all such orders and directions in and about the premises as they shall from time to time receive from the said governor in council—such orders and directions not being contrary to any express directions or provisions in this act contained.

Proviso.

17. It shall be lawful to and for the said commissioners, and they are hereby authorized, from time to time to appoint and nominate clerks or agents, and all other such servants as they may deem necessary—assign to them respectively such duties as they may think fit, taking such security for the due execution of their respective offices as they may think proper, and at pleasure to revoke such appointments and dismiss from their employ any of such clerks, agents, or other servants.

Appointment of clerks, agents, &c.

18. It shall be lawful to and for the said commissioners or any three of them, from time to time, and at all times hereafter, to ask, demand, take and recover, to and for the use of her majesty, for all communications transmitted through the line of telegraph, such rates and dues as shall be from time to time fixed and appointed by the governor in council, which shall be paid to such persons, and at such places, near to the place where such service may have been performed, in such manner and under such regulations as the said commissioners shall direct and appoint; and in case of denial or neglect of payment of any such rate or dues, or any part thereof, on demand, to the person appointed to receive the same as aforesaid, the said commissioners may sue for and recover the same in their own names or the names of any two of them, or in the name of her majesty, her heirs and successors, in any court having competent jurisdiction; and the governor in council shall have full power from time to time to lower or reduce any of the said rates and dues, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking.

Rates and dues to be appointed by governor in council—recovery thereof by commissioners, &c.

19. If any person shall wilfully obstruct or impede said commissioners or any of them, or any officer, agent or contractor, appointed by said commissioners, in the execution of their duty with regard to the said telegraph, or to the using thereof, or of any apparatus or works thereto belonging or appertaining, or upon or in any of the stations, or other works or premises connected therewith, or if any person shall wilfully trespass upon the said telegraph, or any of the stations or other works or premises connected with the said telegraph, and shall refuse to quit the same upon request to him made by any of said commissioners, or any officer, agent or contractor of the said commissioners, every such person so offending, and all others aiding and assisting therein, shall and may be seized and detained by any such commissioner, officer, or agent, or contractor, or any person whom he may call to his assistance, until such offender can be conveniently taken before some justice of the peace for the county wherein such offence shall be committed, and

Penalty for obstruction of commissioners, &c. in execution of duty.

when convicted before such justice as aforesaid, who is hereby authorized and required, upon complaint to him upon oath, to take cognizance thereof, and to act summarily in the premises, shall, in the discretion of such justice, forfeit to her majesty any sum not exceeding ten pounds, and in default of payment thereof shall be imprisoned for any term not exceeding two months—such imprisonment to be determined on payment of the amount of penalty.

Mode of levying, and recovery and application of fines not herein particularly directed.

20. All fines and forfeitures inflicted by this act, or which shall be inflicted by virtue of any order to be made in pursuance thereof, of which order when produced, all justices are hereby required to take notice, the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more justice or justices of the peace for the county, either by the confession of the party, or by the oath or affirmation of any one credible witness, which oath or affirmation such justice or justices are hereby empowered and required to administer without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices; and all such respective fines, forfeitures or penalties by this act imposed and inflicted, or authorized to be imposed and inflicted, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of this province, and shall be applied and disposed of for the use of the said telegraph or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the common jail for the county, there to remain without bail or main prise for such term, not exceeding one month, as such justice or justices shall think proper, unless such penalty or forfeiture, and all expenses attending the same shall be sooner paid and satisfied.

Appeal from justices to supreme court.

21. If any person shall think himself aggrieved by any thing done by any justice of the peace, in pursuance of this act, every such person may, within four months after the doing thereof, appeal to the supreme court of judicature for this province.

Limitation of suits brought under this act, &c., &c.

22. If any action or suit shall be brought or commenced against any person for any thing done, or to be done, in pursuance of this act, or in the execution of the powers and authorities, orders and directions, hereinbefore given or granted, every such action or suit shall be brought or commenced within six months next after the fact committed, or in case there shall be a continuation of damage, then within six months next after the doing or committing such damage shall cease, and not afterwards; and the defendant in such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this

act; and if it shall appear to have been done so, or if any action or suit shall be so brought after the time so limited for bringing the same, or if the plaintiff shall be nonsuit, or discontinue his action or suit after the defendant shall have appeared, or if judgment shall be given against the plaintiff, the defendant shall have full costs, and shall have such remedy for the same as any defendant has for costs of suit in other cases.

And in order to ensure the establishment of a continuous line of telegraphic communication between Halifax and Quebec:

Commissioners to co-operate with governments of Canada and New Brunswick.

23. The said commissioners shall be authorized to enter into any arrangement, and co-operate with the governments of Canada and New Brunswick, or any company or companies which may be formed, to undertake the construction of a line or lines of electric telegraph in those respective provinces; and the commissioners aforesaid shall have power, if they shall deem it advisable, to treat with such governments or companies, or enter into such arrangements, as may be necessary to unite the several interests on this subject on such advantageous and liberal terms, for the use of the telegraph within the limits of this province, as may enable the said governments or companies to complete the direct line from the northern limit of this province to Quebec, and to support the same without pecuniary loss, so far as it may be found advisable and expedient so to do: provided that no arrangements, contracts or agreements, shall have full force and effect until approved of by the governor, in council.

24. It shall not be lawful for any person, body politic, corporate, community or company whatsoever, directly or indirectly, to make and complete any electric telegraphs, stations and appurtenances in any part of this province, unless by the previous sanction, and under the authority of the legislature of this province: provided always, that it shall be lawful for the governor in council, from time to time, to authorize and empower the said commissioners to build and construct such branches, in connection with such line, in the province of Nova-Scotia, as may hereafter appear necessary and expedient, and to establish and construct new lines under legislative authority previously given.

Electric telegraph not to be made without sanction of legislature.

Proviso.

25. This act shall be deemed and taken as a public act, and as such shall be judicially taken notice of by all judges, justices of the peace and others, without being specially pleaded, and shall be evidence in full proof thereof in all courts of justice.

Act to be deemed a public act.

26. *Repeals 10 Vic. chap. 58.*

Act 10 Vic. repealed.

13 Vic., chap. 50. AN ACT FOR THE INCORPORATION OF A COMPANY TO BUILD A
LINE OF ELECTRIC TELEGRAPH FROM TRURO TO PICTOU.

Passed 28th March, 1850.

The Truro and
Pictou electric te-
legraph company
incorporated.

1. *Be it enacted, &c.*—The honorable George R. Young, the honorable David Crichton, Frederick N. Gisborne, John Yorston, and James D. B. Fraser, and all other persons who shall become proprietors of shares in the corporation hereby established, and their successors and assigns, are hereby created a body corporate, by the name of the "Truro and Pictou electric telegraph company;" and by that name may have a common seal, and sue and be sued, and may hold lands and goods, and sell, let, assign and convey the same, or any part thereof; but they shall not hold real estate of greater value than the sum of two thousand pounds at any one time.

Capital of com-
pany.

2. The capital or joint stock of the company shall be the sum of one thousand five hundred pounds, to be divided into three hundred shares of five pounds each, and the parties herein named may open a book for the subscription for shares in the company.

Appointment of
officers, bye-laws,
&c.

3. When the company shall be formed, and one half of the shares taken up, the company may, by a majority of votes, appoint the managers and officers of the company, and frame a set of bye-laws for regulating the affairs and management thereof; but no bye-law shall be repugnant to this act or any law or statute of this province.

Line of telegraph.

4. The company may build a line of telegraph beginning at or near the station house at Truro, and running through the counties of Colchester and Pictou, till it reaches the town of Pictou.

Real estate to be
held as personal
property.

5. Notwithstanding any real estate which the company may hold at any time, the shares and interests of the several shareholders in the capital and stock shall be held to be personal property to all intents whatsoever.

Not to engage in
banking opera-
tions, &c.

6. Nothing herein contained shall be construed to give the company the privilege of dealing in the lending of money by way of discount, or otherwise in engaging in any banking operation, or to underwrite, or make as underwriters, any insurance.

Company may sue
for shares or in-
stalments.

7. The company may sue for and recover any shares or instalments not paid in conformity with the bye-laws, by suit against any shareholder who shall make default in the payment of any call or instalment.

Responsibility of
shareholders.

8. Nothing herein contained shall discharge the company, or any of the present or future shareholders therein, from any responsibility, contract, duty or obligation whatsoever, to which by law they now are, or at any time hereafter may be or would have been subject or liable had this act not been passed, as between such company and any other party; and the shareholders in the

company, their lands, goods and chattels, shall be liable under any execution that may be issued against the company, in the same manner and to the same extent as if this act had not been passed. If the directors of the company shall, by any contract or engagement, incur any responsibility for any sum of money beyond the amount of the shares subscribed for, without the sanction of the company first had and obtained at some general or special meeting of the company, to be called agreeably to the bye-laws of the company, the directors of the company shall themselves be held and deemed personally liable for the amount so by them incurred.

Directors of company when unreasonably responsible.

9. The governor shall have at all reasonable and proper times, and in preference to all others, the right of using the line of telegraph and branches, for the transmission of information and messages relating to the public service, whether imperial or provincial, and the rates of charge therefor shall not in any case exceed the ordinary rates of charge made to private individuals: provided that such information and messages are strictly and solely of a public nature.

Governor to have preference on the line of telegraph for transmission of public messages.

10. For the purposes aforesaid, the company, by their deputies, servants or agents, may set and erect such line of electric telegraph along the side line of any of the public highways, provided the same do not interfere with the free use and the right of travelling thereon; and also may enter into and upon the lands of any persons or bodies corporate, and may survey, set off, and ascertain such part thereof as they shall think necessary for making the line of electric telegraph and branches, and also all such other works, buildings and conveniences as they may think necessary for making or repairing the line and branches; and may also dig, take and carry, or build and lay with all necessary materials which may be found thereon, posts, buildings and other erections necessary for such line and branches; and from time to time may alter, repair, or rebuild the same, and do all other things which they shall think necessary for the making, extending and easy using of such intended telegraph and branches, and other works, according to the true intent and meaning of this act, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in the manner hereinafter mentioned, to the proprietors of or the persons interested in the lands, tenements or hereditaments respectively, which shall be taken, used or prejudiced, or for all damages by them sustained in the execution of all or any of the powers of this act; and this act shall be sufficient to indemnify the company and their servants, agents or workmen, for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Erection of line of telegraph, where to be set—to enter into lands of private individuals, and where necessary, &c. to erection of station—houses, &c.

11. After any lands shall be set out and ascertained in manner aforesaid, for making and completing the line of telegraph or branches, and other works, and other the purposes and conveniences hereinbefore mentioned, it shall be lawful for all persons

Sale of land to company.

seized of or interested in any lands which shall be so set out and ascertained, or any part thereof, to sell and convey unto the company, their successors and assigns, all or any part of such lands which shall from time to time be set out and ascertained as aforesaid; and all agreements, sales, conveyances and assurances so to be made, shall be valid to all intents whatsoever; and all bodies politic or corporate, and all persons whosoever so conveying are hereby indemnified for what they or any of them shall respectively do by virtue of or in pursuance of this act; and all such agreements, sales, conveyances and assurances shall, at the expense of the company and their successors, be deposited and registered in the office of registrar of deeds for the county respectively in which such lands lie, and true copies thereof, duly certified by the registrar, shall be allowed to be good evidence in all courts whatsoever.

Lease of lands,
amount of rates,
&c.

12. Any body politic or corporation, or other persons whosoever, who cannot in common cause of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent, as an equivalent, and not upon a principal sum to be paid for the lands so set out and ascertained as necessary for making the line of telegraph and branches, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, or by arbitration between the parties, it shall be fixed by a jury, convened and qualified in the manner hereinafter prescribed; and all proceedings and litigations in courts shall in that case be regulated as hereinafter prescribed, and for the payment of the annual rent, and every other annual rent agreed upon or ascertained, for the purchase of any land or ground, the line of telegraph and branches, and the charges to be levied and collected therefrom, shall be liable and chargeable in preference to all other claims or demands thereon whatsoever.

Compensation to
owners of land by
agreement, arbitration,
application to justices of
supreme court,
&c.

13. The company may apply to the several owners of the estates through which such line of telegraph and branches are intended to be carried, and agree with the owners touching the compensation to be paid to them for the purchase thereof, and for their respective damages; and in case of disagreement between the company and the owners, then all questions which shall arise between the company and the proprietors of, and persons interested in, any estates or lands that shall be taken or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may be at any time sustained by any bodies, politic or corporate, or any other persons, being owners of or interested in any estate or lands for or by reason of the making, repairing or maintaining the telegraph or other works incidental or relative thereto or connected therewith, shall be settled by agreement of the parties, or by arbitration; or if either of the parties shall not be inclined to make an agreement or to appoint arbitrators, or by reason of absence shall be prevented from treating, or through disability by non-age, coverture, or other impediment, cannot treat or

make such agreement or enter into such arbitration, or shall not produce a clear title to the premises in which they claim an interest, then the company may make an application to the supreme court or to any judge thereof, stating the grounds of such application; and such court or judge shall, upon such application, issue a warrant directed to the sheriff of the county, commanding him to summon and return a petit jury, to appear before the court at such time and place as in the warrant shall be appointed; and all parties concerned may have the lawful challenge against any of the jurymen, but shall not challenge the array, and the court may summon and call before them all such persons as it shall be thought necessary to examine as witnesses touching the matter in question, and may order the jury, or any six or more of them, to view the place or matter in controversy—which jury, upon their oaths, all which oaths, as well as the oaths to be taken by any person who shall be called upon to give evidence, the court is hereby empowered to administer, shall assess and ascertain the distinct sum of money or annual rent to be paid for the purchase of such lands or grounds or the indemnification to be made for the damage that may be sustained, but without regard to any contemplated increase of value by reason of such telegraph or branches being laid, and in so doing the jury shall take into consideration the damage or inconvenience which may arise by reason of the telegraph or branches being erected as aforesaid, and may assess separate damage for the same; and the jury shall distinguish the value set upon the lands and the money assessed or adjudged for damages separate from each other, and the court, or any judge thereof, shall give judgment for such sum lent or indemnification so to be assessed by the jury, which verdict, and the judgment thereupon pronounced, shall be binding and conclusive to all intents and purposes.

14. In all cases where a verdict shall be given for more money as an indemnification or satisfaction for any lands or property, or for any damage done to any real estate, or for any annual rents for any lands or property of any person whomsoever than had previously been offered by, or on behalf of the company, then all the expenses of summoning the jury and taking the inquest shall be taxed by the court, and defrayed by the company: but if any verdict shall be given for the same or a less sum than had been previously offered by and on behalf of the company, or in case no damage shall be given by the verdict when the dispute is for damages only, then the costs and expenses shall be taxed in like manner by the court, and be borne and paid by the party with whom the company shall have had such controversy, which costs and expenses having been so taxed shall be deducted out of the money so assessed and adjudged, when the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person, and the payment and tender of the remainder of such money shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sum so assessed or adjudged.

Expense of jury to be taxed by the court; by whom paid, &c.

Every person prosecuting to give security for costs.

15. Every person making complaint and requesting a jury shall, before the issue of the warrant for the summoning of the jury, enter into a bond before one of the judges of the supreme court, or before the deputy prothonotary for the county where the lands lie, with one sufficient surety, to the treasurer of the company, or his successors for the time being, in the penalty of fifty pounds currency to prosecute his complaint, and to pay the costs and expenses of summoning the jury, and taking the inquest, in case a verdict shall be given, for no more, or for a less sum or rent than had been offered by the company before the summoning and returning of the jury as an indemnification or satisfaction for any lands or property, or for any annual rent, or for any damage as aforesaid.

Titles to land to be deemed good, unless the contrary be alleged.

16. If any question arise respecting the title to the lands required, as aforesaid, by the company for the purposes of the line of telegraph or branches, the parties in possession of such lands, or being the owners thereof, or in the receipt of the rents of the lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to the lands, unless notice to the contrary be duly given to said company; and unless notice be given, the parties in possession and all the parties claiming under them, or consistently with their possession shall be deemed entitled to receive the consideration money or rents to be paid therefor; and the payment of the consideration money or rents, until notice be given, shall be a sufficient discharge to the company against all claims in respect thereof.

Owners of land refusing to accept purchase money, company may pay the same into treasury for their benefit.

17. If the owner of any lands purchased or taken by the company for the purposes aforesaid, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same, or neglect or fail to make out a title to the lands or to the interest therein claimed by him to the satisfaction of the company, or if he refuse to convey or release the lands as directed by the company, or if any such owner be absent from the province, or cannot, after diligent enquiry, be found, or fail to appear on the enquiry before the jury as herein provided for, it shall be lawful for the company to deposit the purchase money or compensation payable for the lands or any interest therein in the provincial treasury, to be there kept, invested and disposed of for the benefit of the owner, under and by virtue of the provisions of an act to be hereafter made and passed for the purpose.

Conveyance of land to be according to forms in schedule.

18. All conveyances of land to be taken or purchased by the company under the provisions of this act and for the purposes aforesaid, may be according to the forms in the schedules A and B respectively to this act annexed, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the company may deem fit; and all conveyances made according to the form in such schedule, or as near thereto as the circumstances of the case will admit, shall be effectual to vest the lands thereby conveyed in the company, and shall operate to bar and destroy all

estates tail and other estates and interests in the lands comprised in such conveyances which shall have been purchased or compensated for, by the consideration therein mentioned.

19. Upon payment or legal tender of such sum of money or annual rent as shall be contracted or agreed for between the parties or determined by arbitrators, or assessed by such juries, in manner respectively as aforesaid, to the proprietors thereof or other persons entitled to receive the same, or to the principal officer of any such body corporate, at any time after the same shall be so agreed for, determined or assessed, such lands, grounds and hereditaments or property, respectively, may be entered upon and taken possession of by the company, and applied to the purpose of making and maintaining the telegraph and branches and other works and conveniences thereunto appertaining.

Upon tender of purchase money, company may take possession of lands, &c.

20. All agreements, sales and conveyances, and all determinations by arbitration as aforesaid, and also the verdicts and judgments thereupon, shall be transmitted to, and kept by, the registrar or deputy registrar of deeds for the county where the lands lie, to be registered and kept according to law, and the same or copies thereof, certified by the registrar or deputy registrar in each county, shall be allowed to be good evidence in all courts in this province, and all persons shall have liberty to inspect the same, paying for such inspection the sum of one shilling currency, and to obtain copies thereof, paying for every copy thereof, not exceeding one hundred words, the sum of six pence currency, and so in proportion for any number of words; and immediately on such payment of purchase money or rent, and entry of such agreements, sales, conveyances, determinations by arbitration, verdicts, judgments, and other proceedings of the court and juries, all the estate, title and interest of the person for whose use such money or rent shall be paid in, to, and out of the lands and premises, shall vest in the company, and they shall respectively be deemed in law to be in actual possession and seisin of the same, to all intents and purposes, as fully and effectually as if every person having an estate therein had been able to convey and had actually conveyed the same to them by the most effectual legal conveyance, and such payment shall bar all right and interest of the person to whose use the same shall be made, and of every other person whomsoever, even for dower or otherwise, any law to the contrary notwithstanding.

Registry of agreement, conveyances, &c.

Inspection thereof, &c.

21. Application to the court for indemnity for any damage or injury sustained by reason of the powers and authority given by this act, shall be made within six months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then, within six months next after the doing or committing such damage shall cease, and not afterwards; and the defendant may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this act.

Applications for indemnity.

22. If any person shall by any means obstruct and interrupt

Penalty for obstruction of telegraph.

the free use of the telegraph and branches, or other works connected therewith, such person shall, for every offence incur a forfeiture or penalty of not less than five pounds, nor exceeding ten pounds currency, one half of which penalty or forfeiture to be recovered before one or more justices of the peace for the county, shall go to the prosecutor or informer, and the other half shall be paid into the hands of the treasurer, and be applied for the public uses of the county.

Wilful damage to telegraph adjudged felony.

23. If any person shall wilfully and maliciously, and to the prejudice of the telegraph and branches authorized to be made by this act, break, throw down, damage or destroy the same, or any part thereof, or any of the houses, posts, wires, buildings, batteries, machinery or other works connected therewith, or do any other wilful hurt or mischief, or wilfully and maliciously obstruct or interrupt the free use of the telegraph or branches, or obstruct, hinder or prevent the carrying or completing, supporting and maintaining the same, such person shall be adjudged guilty of felony, and the court before whom such person shall be tried and convicted, shall have power to cause such person to be punished, in like manner as Felons are by law directed to be punished, or in mitigation thereof to award such sentence as the law directs, in cases of simple larceny, as to the court shall seem fitting.

Mode of levying, and recovery and application of fines, not herein particularly directed.

24. All fines and forfeitures imposed by this act shall, upon proof of the offence before any one or more justice or justices of the peace for the county, either by the confession of the parties or by the oath or affirmation of any one credible witness, which oath or affirmation such justice or justices are hereby empowered and required to administer without fee, be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal or hands and seals of such justice or justices; and all such fines, forfeitures or penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer or receiver of the monies to be raised by virtue of this act, and shall be applied for the use of the company, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereon to levy the penalty and expenses, the offender shall be sent to the common jail for the county where the judgment is given, there to remain without bail or mainprize for such term not exceeding one month, as the justice or justices shall think proper, unless such penalty or forfeiture and all expenses attending the same, shall be sooner paid and satisfied.

Appeal from justices to supreme court.

25. If any person shall think himself aggrieved by anything done by any justice of the peace in pursuance of this act, every such person may appeal to the supreme court at the next term of the court thereafter to be holden for the county where such judgment has been given.

26. If any action or suit shall be brought against any person for any thing to be done in pursuance of this act, or in the execution of the powers and authorities or the orders and directions hereinbefore given or granted, every such action shall be commenced within six months next after the fact committed, or in case there shall be a continuation of damage, then within six months next after the committing such damage, shall cease, and not afterwards, and the defendant in such action may plead the general issue, and give this act and the special matter in evidence at any trial to be held thereupon, or plead generally that the same was done in pursuance and by the authority of this act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the plaintiff shall be non-suit or discontinue his action or suit after the defendant shall have appeared, or if judgment shall be given against the plaintiff, the defendant shall have full costs, and shall have such remedy for the same as any defendant hath for costs of suit in any other cases as is by law provided.

Limitation of suits brought under act, &c.

27. The company shall annually submit to the three branches of the legislature, within the first fifteen days after the opening of the provincial parliament, a detailed and particular account, attested upon oath, of the monies by them received and expended under and by virtue of this act, with a statement of the amount of income and profits, gross and nett receipts received by them for the use of the telegraph on each year respectively.

Annual attested account to be given to legislature.

28. Nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of her majesty, her heirs and successors, or of any person, or of any body, politic or corporate, such only excepted as are herein mentioned.

Not to affect rights of her majesty.

29. Out of the net profits arising from the line of electric telegraph and branches assigned to or divisible amongst the shareholders in the company in every year, no greater amount shall be divided amongst and paid to the shareholders in any one year in the whole than twelve pounds per cent. of the capital stock of the company then paid up, and in addition to such twelve per cent. it shall be lawful for the company, if the net profits shall permit, to retain a further amount at and after the rate of four pounds per cent. on such paid up capital, which shall be added to and form part of the capital stock of the company for the purposes of this act; and if in any year the net profits shall exceed the sum of sixteen pounds per cent., then the overplus shall be subject to the disposal of the legislature.

Regulation of profits divisible among shareholders.

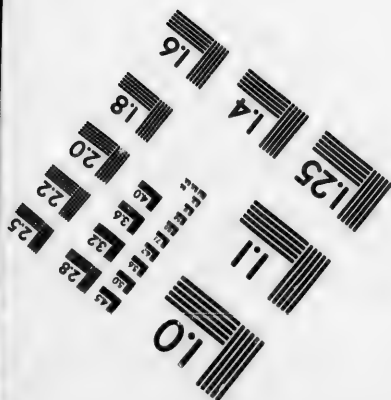
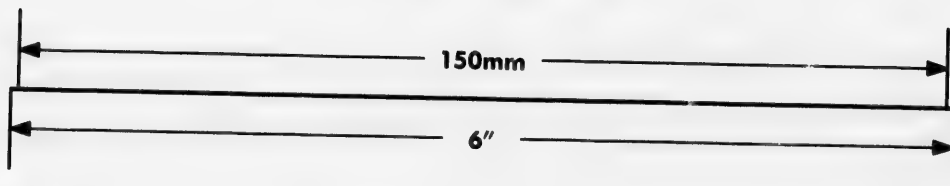
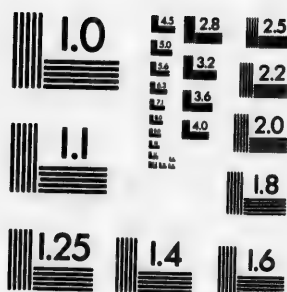
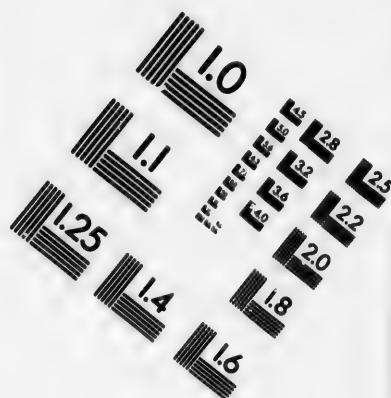
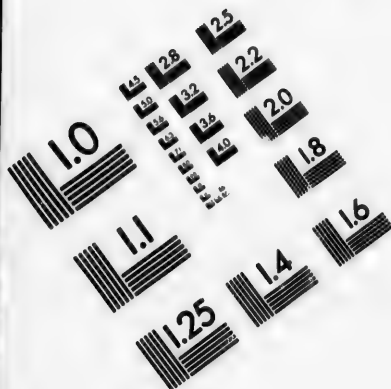
30. If at any time it shall be deemed expedient by the governor in council that the line of electric telegraph and branches established hereunder should be transferred to and vested in the government of this province, the governor may cause a written notice to be given to the company, by service on the president or any other principal officer thereof, or by leaving the same with any officer or clerk in the principal office of the company in Pictou, which

Government may notice company that they have decided to become holders of the line.

Mode of transferring same, &c.



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notice shall state that the government have decided upon becoming the holders of the line and branches, and shall require a statement of the actual outlay and expenses which the company have made or incurred in and about the works—such statement to be authenticated as by the governor in council shall be required; and upon the expiration of three months from the service of such notice, all the lands, tenements and hereditaments, line of electric telegraph and branches, batteries, posts, wires, buildings, machinery, and all other things whatsoever then owned, held or possessed by the company, under and by virtue of the provisions of this act, or for the purposes thereof, and all the right, title and interest of the company in and to the same respectively, and all title deeds and conveyances thereof, shall become and be transferred to and absolutely vested in the government of this province, and shall thereafter be held by the government and for its use and benefit, absolutely free and discharged from any claim of the company or any person whomsoever, and it shall thereupon be lawful for the governor to draw a warrant on the treasury for the payment to the company of the actual outlay and expenses so made or incurred by them as aforesaid, together with an addition of twenty pounds per cent. thereto.

Tariff of fees.

31. The tariff of fees between Truro and Pictou shall not exceed the rate of one shilling and three pence for the first ten words, and one penny half-penny for each additional word, and no more.

SCHEDULE A.

Form of conveyance.

Form of convey-
ance.

I ———, of ———, in consideration of the sum of ———, paid to me by the Truro and Pictou electric telegraph company, pursuant to the act of [*title to be inserted here,*] passed by the legislature of this province, incorporating such company, do hereby convey to the company, their successors and assigns, all [*describing the premises conveyed,*] together with all ways, rights and appurtenances thereto belonging, and all such estate, right, title and interest in and to the same as I am or shall become entitled to or possessed of, or am by the act of incorporation empowered to convey, to hold the said premises to the Truro and Pictou electric telegraph company, their successors and assigns, according to the true intent and meaning of the said act. In witness whereof, I have hereunto set my hand and seal, the ——— day of ———, in the year of our Lord ———.

Signed, sealed, &c.

SCHEDULE B.

Form of rent charge.

Form of rent
charged.

I ———, of ———, in consideration of the rent charge to be paid to me, my heirs and assigns, as hereinafter mentioned, by the

Truro and Pictou electric telegraph company, pursuant to the act ——— passed by the legislature of this province, do hereby convey to the company, their successors and assigns, all [*describing the premises,*] together with all ways, rights and appurtenances thereunto belonging, and all my estate, right, title and interest in and to the same and any part thereof, to hold the said premises to the said company, their successors and assigns, for ever, according to the true intent and meaning of such act, they, the company, their successors and assigns, yielding and paying unto me, my heirs and assigns, one clear yearly rent of [*sum*] by [*quarterly or otherwise*] payments henceforth on the [*day of payment*] clear of all taxes and deductions. In witness whereof, I have hereunto set my hand and seal, the ——— day of ———, in the year of our Lord ———.

Signed, sealed, &c.

AN ACT TO INCORPORATE THE NOVA-SCOTIA ELECTRIC TELEGRAPH 14 Vic., chap. 17.
COMPANY.

Passed 31st March, 1851.

1. *Be it enacted, &c.*—Thomas Killam, William A. Henry, Hiram Hyde, and all other persons who shall become proprietors of shares in the company hereby established, shall be a body corporate by the name of the Nova-Scotia electric telegraph company. Proprietors electric telegraph company.
2. The company may hold real estate of not greater value than the sum of two thousand pounds at any one time in one county. Real estate, value of.
3. The capital or joint stock of the company shall be twenty thousand pounds, but the company shall have power to increase this amount to the extent of cost of any branch lines of electric telegraph that may be built and joined to the lines of the company, and the capital shall be divided into shares of five pounds each. Capital stock of company.
4. The company may build lines of electric telegraph from any point or place to any town, village, hamlet or place in the province, and through, across or under any stream, gulf, strait or body of water. Company may build lines throughout the province.
5. The line on the western post road, via Windsor, Kentville, Annapolis, Digby to Yarmouth, shall be one section; from Halifax, via Lunenburg, Liverpool, Shelburne to Yarmouth, another section; and from Pictou to Sydney, Cape Breton, another section; but the whole shall be under the management of the corporation as one general company. Different sections.
6. Whenever any number of individuals shall subscribe one half of the amount sufficient to build any one of such sections, or any part thereof, for a distance of forty miles or upwards, they may Whenever half the amount sufficient to build any one of such sections is subscribed, sub-

scribers may appoint managers and officers for building line.

appoint managers and officers for building and conducting the line, and whenever two or more of such sections shall be brought into connection with each other, if built as per specification hereunto annexed, or when any branch line shall be brought into connection with the general line, as hereinafter mentioned, shall form part of the general stock of the company, and shall be taken into account therein, and the proprietors thereof shall receive credit in the books of the company for so many shares as such line shall amount to at the rate of twenty-five pounds for every mile of electric telegraph so built, an additional allowance being made for the expense of crossing rivers, straits and arms of the sea, and thereupon the shareholders of such branch lines shall become shareholders in the general company and the managers of such local or branch lines shall become managers of the general company to the number mentioned in the eleventh section, and the whole shall form a general board of directors, who shall have power to manage the affairs of the company, and to make and alter the bye-laws, and shall continue in office until their successors are appointed, as hereinafter mentioned.

Governor to transfer Halifax and Amherst line to company.

7. When the company have connected Yarmouth, Liverpool and Windsor with Halifax, and Sydney, in Cape Breton, with Pictou, by electric telegraph, the governor in council shall transfer to the company, the line of electric telegraph, with all its appurtenances, now erected between Halifax and Amherst, the company paying to the government the first cost of the line less the surplus revenue derived from the line over and above five pounds per cent. per annum, and the company shall thereupon accept the line and pay therefor as stipulated in this clause.

One general rule of charges.

8. One general scale or rate of charges shall prevail over the province, that is to say, no greater sum shall be demanded for the transmission of a message a given distance in one direction than is charged for the same number of words in another direction.

Profit of company how to be divided.

9. The company shall not divide over eight per cent. per annum on the paid up capital of the company, after paying the current expenses thereof, but may put the surplus receipts over and above eight per cent. per annum into a casualty fund, until such fund amounts to a sum equal to one fourth of the capital stock of the company, and which may be vested in such stock or securities as the company may think fit, and then the surplus earnings or receipts of the company over and above eight per cent. per annum shall be used in extending lines or diminished by a reduction of the general scale or rates of charges.

The inhabitants of any town may build a branch line connecting with the company's, upon guaranteeing to company the payment of the expenses of such branch, &c.

10. If the inhabitants of any town, village or hamlet in the province, not being in the line of any of the sections hereinbefore mentioned, wish to be connected by telegraph with the company's lines, at any part, and have not been previously connected with any of such lines, they shall have the right to raise the amount of money, required to build such connecting line, in accordance with a specification which shall be similar to the most approved speci-

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cation of the company's lines, and shall after building such line, and giving satisfactory guarantee to the company of an annual sum of money, to be paid on or before the last day of January in each and every year, sufficient to pay the repairs and current expenses of such branch line, and to be derived from the receipts of such branch line for business done on the same, or otherwise shall be entitled to come into the company on the same terms as original shareholders, and such stock or shares shall be a portion of the capital stock of the company.

11. The shareholders in each town or village in which an office is opened for the transmission of messages by the company's lines of telegraph, may so soon as may be convenient after such office shall be opened, and thereafter annually, on a day to be fixed by the bye-laws, by a majority of votes, elect from their number one director of such company; and any such town or village owning one hundred and sixty shares in the company may elect two directors, any town or village owning three hundred and twenty shares may elect three directors, any town or village owning six hundred and forty shares may elect four directors, and any town owning one thousand two hundred and eighty shares or more may elect five directors, the directors may meet whenever they shall see fit, or it shall be directed by the bye-laws, and may by a majority of votes elect from their number a president and executive committee, who may appoint a secretary and other officers of the company, and make, adopt and change the bye-laws of the company.

Shareholders in
any town may
elect directors.

12. No shareholder shall be liable on account of the debts of the company for a greater amount than double the amount of the stock held by him, deducting therefrom the amount paid to the company on account of such stock, unless he shall have rendered himself liable therefor by becoming surety for the debts of the company.

Personal liability
of shareholders.

13. The governor shall have at all times, in preference to all others, the right of using the lines of telegraph, for the transmission of messages relating to the public service, and the rate of charges therefor shall not exceed the charge made to private individuals.

Public service to
have preferential
use of lines.

14. The company, or any local company erecting lines to connect with those of the company, may erect lines of telegraph along the side of any public highways, provided they do not interfere with the right of travelling thereon; and may enter into any lands, survey, and set off such parts thereof as may be deemed necessary for the lines of telegraph, and may take any posts or building materials necessary to make or repair the lines, or any buildings in connection therewith, making to the owner due compensation therefor.

Lines may be
erected along the
side of public
highways and pri-
vate lands, &c.

15. In case of disagreement between the company and the owner as to the value of any lands, posts or building materials, which the company may have taken for the purposes aforesaid, such disagreement shall be settled by arbitration.

Differences be-
tween owners of
lands and compa-
ny to be settled by
arbitration.

16. Any person interrupting the free use of the telegraph line or works connected therewith, shall incur a penalty of not less than

Penalty for inter-
rupting use of
lines.

five nor more than ten pounds, to be recovered before one or more justices of the peace for the county, one half of which shall go to the informer, and the other half to the public uses of the county.

Persons wilfully
damaging same
to be guilty of
misdemeanor.

17. If any person shall wilfully obstruct or damage any telegraph line, works, buildings or machinery in connection therewith, he shall be adjudged guilty of a misdemeanor.

Company to sub-
mit accounts at-
tested to provin-
cial legislature,
&c.

18. The company shall annually submit to the three branches of the legislature, within ten days after the opening of the provincial parliament, a particular account, attested upon oath, of the monies by them received and expended under and by virtue of this act, with a statement of the amount of income and profit, gross and net receipts received by them for the use of the telegraph, in each year respectively, and the rate of charges shall be subject to the annual revision and control of the legislature; but the company's charges shall not be reduced at any time unless the lines pay a dividend of eight per cent., and four per cent. into a casualty or reserve fund.

Company may
connect their lines
with, and pur-
chase the lines of
Truro and Pictou
company.

19. The Nova Scotia electric telegraph company shall connect their line from Sydney, Cape Breton, or the Strait of Canso, with the Truro and Pictou company's line, which shall extend to the town of Pictou; and so soon as the company's line from Sydney shall be in operation, they shall purchase the Truro and Pictou company's line at cost and charges, and interest on the capital expended, deducting therefrom the net receipts; or the Pictou and Truro company may have the option of joining their stock to that of the general company at the same value, and come in as joint stockholders.

Charges not to be
greater than gov-
ernment line.

20. No greater charge shall be made for carrying messages by the Nova Scotia electric telegraph company, over their wires, than is now charged on the government line for equal distances.

This act to extend
only to lines in
operation, Febru-
ary, 1863.

21. If, on or before the fifteenth day of February, one thousand eight hundred and fifty-three, the three several sections of telegraph hereinbefore mentioned shall not be completed, the provisions of this act shall only extend to the lines then actually in operation.

Legislature may
at any time take
lines and work
the same.

22. The legislature may at any time hereafter, at its option, take the lines erected by the company, and work the same for the benefit and under the control of the government, on paying to the company the net cost of the same, and the appurtenances and the interest thereon, if the receipts have not been equal to pay interest thereon, with a bonus of ten per cent.

Operators to take
oath before enter-
ing into any office.

23. Before any operator shall be put in charge of any office, or any clerk or other person shall be employed therein, he shall take, before a justice of the peace, the oath in the schedule to this chapter, and for breach thereof he shall be guilty of perjury, and subject to the penalties for such offence.

Governor in coun-
cil may assume
control of lines,
when down.

24. If, after having obtained the transfer of the provincial line, any of the company's lines shall be down, or out of working order for twenty days in any one time, between any two stations in Nova

Scotia or Cape Breton, and for three months across the Gut of Canso, the governor in council may assume the control over the provincial line upon paying the company the sum paid therefor, and the line shall thereupon revert to the province as if no transfer had ever taken place.

25. The fourth and fifth sections of the eighty-seventh chapter of the revised laws, passed during the present session, and such other parts thereof as may be plainly inconsistent with the foregoing provisions, shall not extend to this act.

4th and 5th sec.
of 87 chap. revised
statutes not to ex-
tend to this act.

SCHEDULE.

I, A. B., do swear that I will keep secret all messages entrusted to me, or which shall come to my knowledge as operator [*or clerk, &c. as the case may be*] of the Nova Scotia electric telegraph company, and I will not divulge the same to any person whomsoever but to the person to whom they are addressed, or his agent, unless required in a court of law.

Oath to be taken
by operator.

A. B.

Sworn before me, at _____,
this _____ day of _____,
A. D. 18—.

C. D., J. P.

SPECIFICATION

Specification.

Of manner in which the three sections of the Nova-Scotia electric telegraph company's lines shall be built.

1st. The lines to be built in a good and substantial manner, with forty posts to the mile, set five feet in the ground or braced or supported by stones similar to the line now erected between Halifax and Amherst.

Lines.

2nd. The posts to be five inches across at the small end and to be twenty feet long to be of Hackmatack, where it can be had within ten miles of the place where the same are to be used, and when not to be had within ten miles, pine and such other wood may be used, as may be agreed upon by a majority of the local directors.

Posts.

3rd. The wires to be the best annealed charcoa' wire, not less in size or inferior in quality to the wire now on the line between Halifax and Amherst.

Wires.

4th. The insulators to be of the best description of glass, on iron pins or hooks, corked, canvassed and secured in every way similar to the line now erected between Truro and Pictou, unless an improvement may be suggested and approved by a majority of all the permanent and local directors of the companies that may at the time be formed.

Insulators.

5th. The batteries and instruments to be of the most approved patterns, not inferior to those used on the line from Halifax to Amherst.

Batteries.

7 Wm. 4, chap. 7.

AN ACT FOR THE ENCOURAGEMENT OF THE NOVA-SCOTIA
HORTICULTURAL SOCIETY.

Passed 27th March, 1837.

Preamble.

Whereas the said society intend to found a public garden in the western suburbs of the town of Halifax, in order to create and extend a taste for horticultural pursuits, and to increase and improve the productions of the province; and whereas the site of the said garden is proposed to be a certain piece or parcel of ground, containing about five and a half acres in all, and which was originally a part of the common of Halifax; and whereas the said ground is now under lease, in different lots, and the lessees thereof are bound to pay certain rents in respect thereof to the commissioners of the said common, to be expended under the act, in that behalf, for improving the same; and whereas the said society having been instituted for a highly useful and beneficial purpose, and having no funds, except such as are to be raised by voluntary subscription, it is expedient and proper to relieve them from the payment of such rents:

Horticultural society to have common lots rent free.

1. *Be it therefore enacted, &c.*, That the rents due and payable to the said commissioners in respect of such common lots as shall be actually occupied and used by the said society, its officers and servants, as and for a public garden, not exceeding five and a half acres, shall not be exacted or required by the said commissioners so long as such lots shall be so occupied and used, under such regulations and restrictions only, as may be required for the due management and superintendence thereof; but if such lots, or any part thereof, shall not continue to be so occupied and used, then, and in such case, such commissioners shall be entitled, and are hereby required, to demand and receive the rents for and in respect of such portions thereof as shall not be so occupied and used, from the parties legally bound to render and pay the same, and to apply such rents, when received, in the same way as if this act had not been made.

Lease of common lots to be given to horticultural society.

2. It shall and may be lawful for the commissioners of the common, and they are hereby required, upon application of the committee of the said horticultural society, to grant a lease of that part of the said common adjoining the lots before named, and lying between the said lots and the road to the eastward thereof, to the said horticultural society, for such term of years and for such rent, not exceeding five shillings per annum, as they may deem expedient: provided always that nothing herein contained shall extend or be construed to extend to authorize the said commissioners to grant any lease upon terms repugnant to the laws now in force respecting the common.

AN ACT TO INCORPORATE THE NOVA-SCOTIA HORTICULTURAL SOCIETY.

10 Vic., chap. 64.

Passed 17th March, 1847.

1. *Be it enacted, &c.*, That the honorable Thomas Nickleson Jeffery, Thomas Williamson, William Lawson the younger, William S. More, John Blackmore, John McDonald, James W. Nutting, Andrew McKinlay, the honorable John E. Fairbanks, Henry Pryor, Andrew Richardson, William Pryor the younger, Hugh Hartshorne and Henry Ince, and such other persons as shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, shall be, and they are hereby erected into a company, and declared to be a body politic and corporate in deed and in name, by the name of "the Nova-Scotia horticultural society," and by that name shall have succession and a common seal, and by that name may sue and be sued, implead and be impleaded, answer and be answered unto in any court of law or equity, or place whatsoever, and be able and capable in law to have, hold, purchase, take, receive, possess and enjoy, any lands and tenements, goods and chattels; and also to give, grant, let, assign or convey the same or any part thereof, and to do and execute all other things in and about the same, as may be thought necessary and proper for the benefit and advantage of the said corporation; and also that the said company, or the major part of them, shall from time to time, and at all times, have full power, authority and license, to constitute, ordain, make and establish, change, vary and alter such bye-laws, rules and ordinances as may be thought necessary for the good rule and government of the said corporation: provided such bye-laws, rules and ordinances be not contradictory or repugnant to the laws or statutes of this province, or those in force within the same: and provided also, that such bye-laws, rules and ordinances, shall not be of any force or effect until the same shall have been approved of by the governor in council.

Incorporation of Nova Scotia horticultural society.

Proviso.

2. The said company, and its affairs and business, shall be under the management and direction of a president, and such other officers as shall be named and designated by the bye-laws of the said company; and the shares thereof shall be assignable and transferable, in such manner and upon such terms as shall be provided and directed by the said bye-laws.

Management of company, &c.

3. At any annual or special meeting of the company, each proprietor or shareholder having paid up all calls on him made, and then due and payable, shall be entitled to vote according to the number of shares which he may possess, namely, the owner of one share to have one vote; the owner of three shares to have two votes; and the owner of six or any greater number of shares, to have three votes and no more, and may give such votes by his proxy,

Votes of shareholders.

duly constituted according to the bye-laws—the person applying to vote under such proxy, being a shareholder and entitled to vote at such meeting.

Liability of shareholders.

4. Nothing herein contained shall extend to relieve or discharge the said company, or any of the present or future proprietors or other holders of shares, from any responsibility, contract, duty or obligation whatsoever, to which by law they now are, or at any time hereafter may be, or would have been, subject or liable in case this act had not been passed, as between such company and any other party whomsoever, in any manner or way howsoever; and the said proprietors or holders of shares in the said company, their lands, goods and chattels, shall be liable under any execution which may be issued against the said corporation, in the same manner and to the same extent as if this act had not been passed.

12 Vic., chap. 40. AN ACT IN ADDITION TO THE ACT TO INCORPORATE THE NOVA SCOTIA HORTICULTURAL SOCIETY.

Passed 31st March, 1849.

Preamble.

Whereas the present stockholders in the said company since the act of incorporation, besides the annual subscription, have advanced the sum of nine pounds per share to pay the debts of the said company; and whereas there are other debts due by the said company to be provided for, and the said company are desirous to have the amount of the capital stock of the said company, and also of the liability of each shareholder to the company defined:

Amount of joint stock, shares, &c.

1. *Be it therefore enacted, &c.*, That the capital or joint stock of the said company shall hereafter be one thousand three hundred and fifty pounds, and shall be divided into shares of nine pounds each, of which the whole has already been paid or is about to be paid, and shall form a part; and in case the balance due upon any such share shall not be paid in thirty days after being demanded, such share shall be sold by public auction, and the proceeds be applied to the use of the said company.

Company empowered to borrow money.

2. The said company, by the directors or managing committee, shall have power to borrow money on bond or on loan certificates, to pay off the existing debt of the said company, or any debts that may hereafter be incurred to the amount of the capital stock of the company, upon a vote of the company, convened at any general or special meeting, passed by three-fourths of the stockholders present—the object of such meeting being specified in the notice thereof given at least thirty days previously: provided that nothing in this act contained shall extend or be construed to extend to dis-

Proviso

charge the stockholders from their liability to pay the debts of the company after the assets of the company shall have been first applied to that purpose.

8. A majority of the shareholders present at any general or special meeting shall have power to make such rules, orders, regulations and bye-laws, and to vary and alter the same, and generally to do and perform all the business of and concerning the said society as may be deemed proper: provided that no bye-law shall be in force until approved by the governor in council.

Rules, regulations, &c.

Proviso.

AN ACT TO AMEND THE ACT TO INCORPORATE THE NOVA SCOTIA HORTICULTURAL SOCIETY. 13 Vic., chap. 62.

Passed 25th March, 1850.

1. *Be it enacted, &c.*—The directors or managing committee of the Nova Scotia horticultural society may borrow money on bond or loan certificates, under the provisions of the second section of the act twelfth Victoria, chapter forty, to the extent of two thousand five hundred pounds, and no more, upon a vote of the company convened at any general or special meeting, passed by three-fourths of the stockholders present—the object of such meeting being specified in the notice thereof given at least thirty days previously; and no money shall be so borrowed unless the whole amount of the debts due by the company shall be less than the sum of two thousand five hundred pounds, and the money so borrowed shall be applied to the payment of such debts.

Directors may borrow money on bond or loan certificates to extent of £2500.

AN ACT TO INCORPORATE THE HALIFAX GAS LIGHT AND WATER COMPANY. 3 Vic., chap. 16.

Passed 27th March, 1840.

1. *Be it enacted, &c.*, That John Leander Starr, Andrew Richardson, Thomas Forrester, James Boyle Uniacke, Richard Brown, Joseph Starr and Edward Cunard, esquires, and all and every other person or persons, who shall from time to time, be and become proprietors of shares in the corporation hereby established, their successors and assigns, shall be, and are hereby erected into a company and declared to be a body politic and corporate, by the name of "the Halifax gas light and water company," and by that.

Company incorporated.

Powers and privileges.

name shall have succession and a common seal, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts of law or equity, or place whatsoever, and be able and capable in law to have, hold, purchase, take, receive, lease, possess and enjoy, any houses, lands and tenements, whatsoever, in fee simple, leasehold or otherwise, and also any goods and chattels, and all other things real, personal and mixed, and also to give, grant, sell, let, assign or convey, the same or any part thereof, as shall and may be thought necessary and proper for the benefit and advantage of the said company.

Limitation of real estate.

2. The said company shall not have, take, hold, possess or enjoy, at any one time, lands, tenements or hereditaments of greater value than ten thousand pounds.

Capital.

Shares.

3. The original capital or joint stock of such company hereby established, shall be the sum of twenty thousand pounds, to be divided into two thousand shares of ten pounds each, and it shall and may be lawful for the five persons first mentioned in this act, immediately after the passing thereof, to open a book for subscription of shares to the said company, and no person shall be entitled to subscribe for more than fifty shares until thirty days shall have elapsed from the day on which such subscription shall have been opened, and public notice thereof given, by advertisement, in the newspapers at Halifax, and if at the end of thirty days after public notice so given, the whole number of shares of and in the said joint stock or capital, as hereinbefore prescribed, shall not be taken up or subscribed, then any person or persons may subscribe for the residue of such shares, notwithstanding such person or persons may respectively subscribe for more than fifty shares.

Appointment of president, directors, &c.

Bye-laws, rules, &c.

Proviso.

Pipes, leaders, tubes, &c.

4. When and so soon as the said company shall be formed, and all the shares taken up, it shall and may be lawful for the said company, by a majority of votes, at any meeting or meetings to be thereafter held, to appoint a president, directors, and officers of the said company, and to make bye-laws, rules and ordinances, for prescribing the duties, powers and authorities of the president, directors and officers of the said company, for limiting the number of directors, for regulating the payment, transfer, registry and forfeiture of shares, the time or times of the meetings of the company, or of the directors, the making of dividends of profits, and the keeping of the accounts, and generally for the good order, conduct and government of the said company, its affairs and business, as may be requisite and necessary: provided always that no bye-law, rule or ordinance shall be repugnant to this act, or to the laws or acts of this province, or those in force within the same; and provided also, that no bye-law, rule or ordinance shall be of any force or effect until approved by the governor, lieutenant-governor or commander in chief for the time being.

5. It shall and may be lawful for the said company, when formed, to supply the inhabitants of the town of Halifax with water

and by that name
pleaded, answer
any court or
able and capa-
se, possess and
, in fee simple,
battels, and all
ive, grant, sell,
of, as shall and
and advantage

possess or en-
ants of greater

company hereby
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ed in this act,
k for subscrip-
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ays shall have
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ys after public
nd in the said
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e formed, and
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meetings to be
officers of the
dinances, for
president, di-
the number of
try and for-
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conduct and
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and gas light, and for that purpose, at a proper and convenient distance below the surface of the roads, streets and highways of the said town, to cause pipes, leaders and tubes to be laid and placed as may be proper and necessary; and in the streets of the said town to place and erect in convenient and fitting situations, lamp posts or burners, and supports for the same, as may be necessary and required for the proper lighting of said town, or of such streets or parts of streets as may be lighted.

6. For the purposes aforesaid, after ten days' notice given to the commissioners of streets of said town, it shall and may be lawful for the said company to break up and open the roads, streets and highways in or near to the said town, in any place where necessary, and to keep any such road, street or highway open for such reasonable time as may be necessary: provided always that the said company shall faithfully and carefully close up, repair and make good the said roads, streets or highways to be so opened at their own costs and charges, or otherwise shall be liable to defray all expenses to be incurred by the commissioners of streets in closing up, repairing or making good any road, street or highway by the said company to be opened up, which expenses shall be recoverable by said commissioners against the said company, with costs, in her majesty's supreme court, by suit or action, against the said company, in which it shall be sufficient for said commissioners to declare for work and labour done by them for the said company.

Opening of streets
for purpose of
laying down pipes
&c.

7. Whenever a majority of the proprietors of houses or buildings in any street, or in any block or square of lots in the said town, shall desire that such street or such block may be lighted up with public lamps or burners, and the said company shall agree to light the same, it shall and may be lawful for the said proprietors and the said company to apply to the court of general sessions of the peace at Halifax, and if such court shall be satisfied that a majority of the said proprietors have actually consented and agreed that the street or block in question shall be lighted, then and in such case the said court shall cause a fair and proportionable rate to be made upon the whole property in such street or block, by three sworn appraisers, being proprietors of houses in said town, to be appointed and sworn by the court, who shall not be interested in the street or block in question, and when such rate shall be made and returned and approved by the said court, the said court shall order such street or block to be lighted, and that the expense thereof shall be borne by the proprietors of the houses and buildings in such street or block, agreeably to the rate aforesaid, and on the refusal or neglect of any proprietor to pay such rate, the said company shall be entitled to proceed against such proprietor, and to recover such rate, with costs, by suit or action, as if such rate were a debt due for money paid, and work and labor performed by the said company for the said proprietor.

Lighting of
streets, blocks or
squares of lots.

8. If all the proprietors of houses or buildings, in any street or

In cases where all the inhabitants of streets and blocks contract for lighting the same.

block in the said town of Halifax, shall, by written agreement, contract for lighting said street or block with the said company, and fix and establish a rate therefor, then and in such case it shall not be necessary to make any application to the said court, but the rate agreed upon shall be paid and be recoverable as hereinbefore prescribed in respect of the rate to be established by and under the direction of the court.

Capital may be increased.

9. Whenever it shall become necessary to increase the capital or joint stock of the said company, it shall and may be lawful for the said company, at any general meeting, to be called agreeably to the bye-laws, rules and ordinances, to be made as aforesaid, to declare and direct that such increased capital shall be raised, not exceeding five thousand pounds, to be divided in shares of the like amount as in respect to the original capital hereinbefore is prescribed; and such shares shall be sold at public auction, after notice in the public papers for at least thirty days; and if sold at any profit, such profit shall be divided and paid equally among the proprietors, as well of the increased capital as of the original capital.

Voting.

10. At any general meeting of the said company, every proprietor or shareholder, having paid up all calls on him made, and then due and payable, if any be then payable under the bye-laws, rules or ordinances of the said company, shall be entitled to vote according to the number of shares which any proprietor or shareholder may possess, that is to say, the owner of one share to have one vote, the owner of four shares to have two votes, and the owner of eight shares or any greater number of shares to have three votes, and no more, and may give such vote or votes, by his or her proxy, duly constituted according to the bye-laws, rules or ordinances of the company, such proxy being a shareholder and entitled to vote, and every such vote by proxy shall be as good and sufficient, to all intents and purposes, as if such principal had voted in person; and whenever any share shall be held by more than one person, then the person present at the meeting, who stands first on the registry, or is first named in the stock certificate, shall vote therefor.

Voting by directors.

11. The mode of voting by the directors at any meeting of the board, shall be regulated by some bye-law, rule or ordinance of the said company, to be duly passed by the same.

Shares deemed personal property.

12. For and notwithstanding any real estate which the said company may hold at any time, the shares and interests of the several shareholders of and in the capital, stock and funds of the said company, shall be held and deemed to be personal property to all intents and purposes whatsoever.

Restrictions imposed on company.

13. Nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money by way of discount or otherwise, or engaging in any banking operation whatsoever, or to underwrite or make as underwriters any insurance upon any ship or vessel or marine risk, or upon any loss by fire, or upon any life or lives.

14. The said company shall be at liberty to commence and undertake the lighting of the said town with gas, or the supply of water for the same, either separately or together, as may to such company seem most advantageous, and in either case to have and exercise all the powers and privileges hereinbefore conferred on such company.

Company may commence operations.

15. The shares subscribed for by any shareholder in such company shall be payable in such manner, by such instalments or calls and at such times and upon such notices as by the bye-laws, rules and ordinances of the said company may be ordered and directed; and if such calls or instalments shall not be paid, it shall and may be lawful for the said company to sue for and recover such calls or instalments, by suit or action, in the supreme court, against any shareholder who shall make default in payment of any call or instalment.

Payment of shares.

16. Nothing herein contained shall extend or be construed or taken to relieve or discharge the said company, or any of the present or future shareholders in the said company, from any responsibility, contract, duty or obligation, whatsoever, to which, by law, they, he, or she now is, or at any time hereafter may be, or would have been subject or liable, had this act not have been passed, as between such company and any other party or parties whomsoever, and the said shareholders in the said company, their lands, goods and chattels, shall be liable under any execution that may be issued against the said company, in the same manner and to the same extent as if this act had not been passed: provided always, that if the directors of the said company shall, by any contract or engagement, incur any responsibility for any sum or sums of money, beyond the amount of the shares subscribed for, without the sanction of the said company first had and obtained at some general or special meeting of said company, to be called and summoned agreeably to the bye-laws of the said company, the directors of the said company shall, themselves, be held and deemed personally liable for the amount so by them incurred.

Responsibility of company.

Proviso.

17. Unless the said company shall go into operation within five years, from the passing of this act, then this act, and every matter and thing therein contained, shall be of no effect.

Company must go into operation within five years.

AN ACT TO AMEND THE ACT TO INCORPORATE THE HALIFAX GAS
LIGHT AND WATER COMPANY.

4 Vic., chap. 10.

Passed 29th March, 1841.

Whereas by the act made and passed in the third year of her present majesty's reign, entitled, an act to incorporate the Halifax gas light and water company, it is enacted, that the original ca-

Preamble.

pital or joint stock of the company, incorporated thereby, shall be the sum of twenty thousand pounds; and by the fourth section of the said act, it is further enacted, that when and so soon as the said company shall be formed, and all the shares taken up, it shall and may be lawful for the said company to choose a president and certain officers, make bye-laws, and go into operation; and whereas the sum of twenty thousand pounds is a much larger sum than is necessary to purchase the suitable apparatus, and to accomplish the objects contemplated by said act; and whereas shares have been subscribed to the amount of upwards of thirteen thousand pounds, and it is desirable that such company should commence operations:

The company may
forthwith go into
operation.

1. *Be it enacted, &c.*, That the said Halifax gas light and water company may forthwith go into operation, and choose a president and officers, make bye-laws and proceed with the undertaking, agreeably to the provisions of the said act hereby amended.

7 Vic, chap. 72. AN ACT TO AMEND THE ACT TO INCORPORATE THE HALIFAX GAS LIGHT AND WATER COMPANY, AND AN ACT PASSED IN AMENDMENT THEREOF.

Passed 19th April, 1844.

Preamble.

Whereas by an act made and passed in the third year of the reign of her present majesty, entitled, an act to incorporate the Halifax gas light and water company; and also by an act passed in amendment thereof, in the fourth year of the reign of her said majesty, certain powers and privileges are vested in and bestowed upon the said Halifax gas light and water company; and whereas the said company, by petition, stating that they are desirous to limit their operations to the manufacture of gas, for the production and supply of light only, and have prayed that an act may be passed to change the name of the said company, and that the said company may be called the Halifax gas light company:

Halifax gas light
company.

1. *Be it therefore enacted, &c.*, That the said company shall, from and after the passing of this act, be called and known by the name of the Halifax gas light company, and not by the name of the Halifax gas light and water company; and that the president, directors and officers thereof shall be called and known by the name of the president, directors and officers of the Halifax gas light company, and not by the name of the president, directors and officers of the Halifax gas light and water company; and that the said company shall be called and designated the Halifax gas light company, in all respects and as fully as if it had been so called in the said acts and the persons in the said first recited act had been therein incorporated under the name of the Halifax gas light company; and that all gifts, grants, conveyances, leases, agreements,

contracts, suits, payments, reckonings, dealings and transactions, to, by, with, against, for or on account of the said company, before the passing of this act, shall be, remain and continue in the same plight and condition as if the said company had been originally incorporated under the name of the Halifax gas light company.

2. All, or any and every, the powers and privileges conferred upon or vested in the said company in and by the said acts, or either of them, relating to or in manner concerning the supplying of the city of Halifax with water by the said company, shall be, and the same hereby are repealed and revoked; and that the said company shall not be authorized or empowered by the said acts to undertake, do or perform any act, matter or thing for supplying the said city with water in any way or manner howsoever, anything in the said acts, or either of them, contained to the contrary in anywise notwithstanding.

Powers granted to company heretofore to supply the city with water revoked.

AN ACT TO INCORPORATE THE KEROSENE GAS LIGHT COMPANY. 13 Vic., chap. 25.

Passed 28th March, 1850.

1. *Be it enacted, &c.*—Abraham Gesner, Enos Collins, Edward H. Lowe, John Burton, George E. Morton, James C. Cogswell, John P. Mott, Lawrence E. Van Buskirk, John Silver and such other persons as shall become proprietors of shares in the corporation hereby established, their successors and assigns, are hereby created a body corporate, by the name of "the kerosene gas light company," and by that name shall have succession, and may sue and be sued, and have a common seal, and hold, take, lease and possess, real estate, in fee simple, leasehold or otherwise, and also any personal property, and may sell, let, assign or convey the same or any part thereof, as may be thought necessary and proper for the benefit of the company.

The kerosene gas light company incorporated.

2. The original capital or joint stock of the company shall be forty thousand pounds, to be divided into two thousand shares, of twenty pounds each.

Capital.

3. When the company shall be formed, and all the shares taken up, they may, by a majority of votes at any meeting, appoint a president, directors and officers of the company, and make by-laws, for prescribing the duties and powers of the president, directors and officers of the company, for limiting the number of directors, for regulating the payment, transfer, registry and forfeiture of shares, the times of meeting of the company, or of the directors, the making of dividends of profits, and the keeping of the accounts, and generally for the good order, conduct and government of the company, its affairs and business, as may be necessary, but

Appointment of officers.

Their powers.

no bye-law of the company shall be repugnant to this act or to the laws of the Province.

Company to supply
Halifax and
Dartmouth with
gas light.

4. The company when organized may supply the inhabitants of the city of Halifax and town of Dartmouth with gas light, and for that purpose, at a proper and convenient distance below the surface of the streets and highways, may cause pipes, leaders and tubes to be laid and placed, as may be proper and necessary, and may place and erect, in convenient and fitting situations, lamp posts and burners, and supports for the same, as may be necessary for the proper lighting of such streets or parts of streets as may be lighted.

Company may
open streets.

5. For the purposes aforesaid, after ten days' notice given to the commissioners of streets, the company may break open the roads, streets and highways, in or near such city or town, wherever it may be necessary to do so, and may keep such road, street or highway open for such reasonable time as may be necessary:—but the company shall faithfully and carefully close up, repair and make good such roads, streets or highways, so opened, at their own costs and charges, or otherwise shall be liable to defray and make good all expenses to be incurred by the commissioners of streets, in closing up, repairing or making good, any road, street or highway so opened, which expense shall be recovered by the commissioners of streets against the company as a private debt for work and labor.

Mode of laying
down pipes.

6. All the pipes and conductors to be laid down by the company for the conveyance of gas, in or under any street, lane or other public passage or place within the city of Halifax, shall be laid wherever the width of the street will allow thereof at the distance of four feet at the least from the nearest part of any pipe or other conduit already laid down or used for the conveyance of gas or water, in or under such streets, lanes or other public places within or adjacent to the city, and running parallel with such pipes to be newly laid down; and in cases where it shall be unavoidably necessary to lay the pipes across any of the gas or water pipes already laid down, they shall be laid over or under the pipes already laid, at a convenient distance therefrom, and shall form therewith, as nearly as possible, a right angle; but the provisions of this section may be dispensed with by agreement between the company hereby established and any other company or individual interested in the subject matter of the dispute.

Regulation of
votes.

7. At any general or special meeting of the company every proprietor or shareholder having paid up all calls on him made and then due and payable under the bye-laws, shall be entitled to vote according to the number of shares which he may possess—the owner of one share being entitled to one vote, the owner of four shares to two votes, and the owner of eight or more shares to three votes, and no more, and may give such vote or votes by his proxy, duly constituted according to the bye-laws, such proxy being a shareholder and entitled to vote; and whenever any share is held by more than one person, that person only present at the meeting

who stands first in the registry, or is first named in the stock certificate, shall vote.

8. The mode of voting by the directors at any meeting of the board, shall be regulated by the bye-laws of the company.

Voting regulated
by bye-laws.

9. Notwithstanding any real estate which may be owned by the company, the shares in the capital stock and funds shall be held to be personal property for all purposes.

Real estate to be
held as personal.

10. The shares subscribed for, or held by any shareholder shall be payable in such manner by such instalments or calls, at such times and on such notices as by the bye-laws of the company may be directed, and if such calls or instalments shall not be paid, the company may sue for and recover the amount thereof, by suit against the shareholder who shall make default; but the calls of the company shall not exceed twenty-five per cent. on the capital stock during the first twelve months after this act shall go into operation.

Payment of
shares.

11. Nothing herein contained shall be construed to extend to discharge the company or any of the present or future shareholders therein from any responsibility, contract, duty or obligation whatever to which bye-law they now are, or at any time hereafter may be or would have been subject or liable had this act not been passed, as between such company and any other party; and the shareholders in the company, their lands, goods and chattels, shall be liable under any execution that may be issued against the company in the same manner and to the same extent as if this act had not been passed; but if the directors shall incur any responsibility for any sum of money beyond the amount of the shares subscribed for, without the sanction of the company first had and obtained at some general or special meeting thereof, called and summoned agreeably to the bye-laws of the company, the directors shall themselves be held personally liable for the amount so by them incurred.

Shareholders indi-
vidually liable.

12. The company shall not hold at any one time real estate beyond the value of ten thousand pounds, nor shall they lend money by way of discount, nor engage in any banking operation, nor as underwriters effect any insurance.

Real estate of
company and re-
strictions.

AN ACT TO AMEND THE ACT TO INCORPORATE THE KEROSENE GAS
LIGHT COMPANY.

14 Vic., chap. 8.

Passed 31st March, 1861.

1. *Be it enacted, &c.*—So much of the second section of an act passed in the thirteenth year of her majesty's reign, entitled, an act to incorporate the kerosene gas light company, as relates to the capital stock and the amount of shares, is hereby repealed.

2nd sec. act 13th
Vic. partly re-
pealed.

Capital stock of company.

Capital may be increased.

Company must go into operation in three years.

2. The capital stock of the company shall be ten thousand pounds, to be divided into one thousand shares, of ten pounds each.

3. The company may, if they see fit, at any special meeting called for that purpose, increase the amount of the capital stock, and the number of shares, but the capital stock shall not exceed the sum of forty thousand pounds.

4. Unless the company shall go into operation within three years, this act shall have no force or effect.

9 Vic., chap. 41.

AN ACT TO INCORPORATE THE PICTOU GAS LIGHT COMPANY.

Passed 20th March, 1846.

Pictou gas light company incorporated.

1. *Be it enacted, &c.*, That James Primrose, James Purves, Thomas Gibson Taylor, James Chrichton, John Yorston, James Daniel Bain Fraser, and George Moir Johnston, and all and every other person or persons who shall from time to time be and become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and are hereby erected into a company, and declared to be a body, politic and corporate, by the name of "the Pictou gas light company," and by that name shall have succession and a common seal, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts of law or equity or place whatsoever, and be able and capable in law to have, hold, purchase, take, receive, lease, possess and enjoy any houses, lands and tenements whatsoever in fee simple, leasehold or otherwise, and also any goods and chattels, and all other things, real, personal or mixed; and also to give, grant, sell, let, assign or convey the same, or any part thereof, as shall and may be thought necessary and proper for the benefit and advantage of the said company.

Proviso.

2. The said company shall not have, take, hold, possess or enjoy at any one time, lands, tenements or hereditaments of greater value than four thousand pounds.

Amount of capital of shares, &c.—opening subscription book, &c.

3. The original capital or joint stock of such company hereby established shall be the sum of five thousand pounds, to be divided into one thousand shares of five pounds each; and it shall and may be lawful for the persons mentioned in this act, immediately after the passing thereof, to open a book for subscription of shares to the said company, and no person shall be entitled to subscribe for more than one hundred shares until thirty days shall have elapsed from the day on which such subscription book shall have been opened, and public notice thereof given by advertisement in the newspaper at Pictou; and if at the end of thirty days after public notice so

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IGHT COMPANY.

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given, the whole number of shares of and in the said joint stock or capital as hereinbefore prescribed shall not be taken up or subscribed, then any person or persons may subscribe for the residue of such shares, notwithstanding such person or persons may respectively subscribe for more than one hundred shares.

4. When and so soon as the said company shall be formed, and at least three thousand five hundred pounds of the shares subscribed for, it shall and may be lawful for the said company, by a majority of votes at any meeting or meetings to be thereafter held, to appoint a president, directors and officers of the said company, and to make bye-laws, rules and ordinances for prescribing the duties, powers and authority of the president, directors and officers of the said company, for limiting the number of directors, for regulating the payment, transfer, registry and forfeiture of shares, the time or times of the meetings of the company or of the directors, the making of dividends of profits and the keeping of the accounts, and generally for the good order, conduct and government of the said company, its affairs and business, as may be requisite and necessary: provided always that no bye-law, rule or ordinance shall be repugnant to this act or to the laws or acts of this province, or those in force within the same; and provided also that no bye-law, rule or ordinance shall be of any force or effect until approved by the governor, lieutenant-governor or commander-in-chief for the time being.

Appointment of
officers, making
of bye laws, &c.

Proviso.

5. It shall and may be lawful for the said company, when formed, to supply the inhabitants of the town of Pictou with gas light, and for that purpose, at a proper and convenient distance below the surface of the roads, streets and highways of the said town, to cause pipes, leaders and tubes to be laid and placed as may be proper and necessary; and in the streets of the said town to place and erect in convenient and fitting situations, lamp posts or burners, and supports for the same, as may be necessary and required for the proper lighting of said town, or of such streets or parts of streets as may be lighted.

Company may lay
pipes, &c., erect
lamp posts, &c.

6. For the purposes aforesaid, after ten day's notice given to the commissioners of streets of said town, it shall and may be lawful for the said company to break up and open the roads, streets and highways, in or near to the said town, in any place where necessary, and to keep any such road, street, or highway open for such reasonable time as may be necessary: provided always, that the said company shall faithfully and carefully close up, repair, and make good the said roads, streets or highways, to be so opened at their own costs and charges, or otherwise shall be liable to defray all expenses to be incurred by the commissioners of streets, in closing up, repairing, or making good any road, street or highway, by the said company to be opened up, which expenses shall be recoverable by said commissioners against the said company, with costs, in her Majesty's supreme court, by suit or action against the said company, in which it shall be sufficient for said commis-

To notify commis-
sioners of streets.

Proviso.

sioners to declare for work and labor done by them for the said company.

Regulations for
lighting streets,
&c.

7. Whenever a majority of the proprietors of houses or buildings, in any street, or in any block or square of lots in the said town, shall desire that such street or such block may be lighted up with public lamps or burners, and the said company shall agree to light the same, it shall and may be lawful for the said proprietors and the said company to apply to the court of general sessions of the peace at Pictou, and if such court shall be satisfied that a majority of the said proprietors have actually consented and agreed that the street or block in question shall be lighted, then and in such case the said court shall cause a fair and proportionable rate to be made upon the whole property in such street or block by three sworn appraisers, being proprietors of houses in said town, to be appointed and sworn by the court, who shall not be interested in the street or block in question, and when such rate shall be made and returned and approved by the said court, the said court shall order such street or block to be lighted, and that the expense thereof shall be borne by the proprietors of the houses and buildings in such street or block agreeably to the rate aforesaid, and on the refusal or neglect of any proprietor to pay such rate, the said company shall be entitled to proceed against such proprietor and to recover such rate, with costs, by suit or action, as if such rate were a debt due for money paid, and work and labor performed by the said company for the said proprietor.

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8. If all the proprietors of houses or buildings in any street or block in the said town of Pictou, shall by written agreement, contract for lighting said street or block with the said company, and fix and establish a rate therefor, then, and in such case, it shall not be necessary to make any application to the said court, but the rate agreed upon shall be paid and recoverable as hereinbefore prescribed, in respect of the rate to be established by and under the direction of the court.

Increase of capital.

9. Whenever it shall become necessary to increase the capital or joint stock of the said company, it shall and may be lawful for the said company at any general meeting to be called agreeably to the bye-laws, rules and ordinances to be made as aforesaid, to declare and direct that such increased capital shall be raised, not exceeding two thousand five hundred pounds, to be divided in shares of the like amount, as in respect to the original capital hereinbefore is prescribed, and such shares shall be sold at public auction, after notice in a public newspaper for at least thirty days, and if sold at any profit, such profit shall be divided and paid equally among the proprietors as well of the increased capital as of the original capital.

Qualification of
voters.

10. At any general meeting of the said company, every proprietor or shareholder having paid up all calls on him made and then due and payable, if any be then due and payable under the bye-laws, rules or ordinances of the said company, shall be enti-

tled to vote according to the number of shares which any proprietor or shareholder may possess, that is to say, the owner of one share to have one vote, the owner of three shares to have two votes, and the owner of five shares to have three votes, and for each additional five shares to have one vote, and may give such vote or votes by his or her proxy, duly constituted according to the bye-laws, rules or ordinances of the company, such proxy being a shareholder and entitled to vote, and every such vote by proxy shall be as good and sufficient to all intents and purposes as if such principal had voted in person; and whenever any share shall be held by more than one person, then the person present at the meeting who stands first on the registry, or is first named in the stock certificate, shall vote therefor.

11. The mode of voting by the directors at any meeting of the board, shall be regulated by some bye-law, rule or ordinance of the said company, to be duly passed by the same.

Votes of directors.

12. For and notwithstanding any real estate which the said company may hold at any time, the shares and interests of the several shareholders of and in the capital stock and funds of the said company, shall be held and deemed to be personal property to all intents and purposes whatsoever.

Shares deemed.

13. Nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money, by way of discount or otherwise, or engaging in any banking operation whatsoever, or to underwrite or make as underwriters, any insurance upon any ship or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

Company not to lend money, underwrite, &c.

14. The shares subscribed for by any shareholder in such company, shall be payable in such manner, and by such instalments or calls, and at such times, and upon such notices as by the bye-laws, rules, or ordinances of the said company may be ordered and directed; and if such calls or instalments shall not be paid, it shall and may be lawful for the said company to sue for and recover such calls or instalments by suit or action in the supreme court, against any shareholder who shall make default in payment of any call or instalment.

Payment of shares.

15. Nothing herein contained shall extend, or be construed or taken to relieve or discharge the said company, or any of the present or future shareholders in the said company, from any responsibility, contract, duty, or obligation whatsoever, to which by law, they, he or she, now is or are, or at any time hereafter may be, or would have been subject to or liable had this act not have been passed, as between such company and any other party or parties whomsoever; and the said shareholders in the said company, their lands, goods and chattels, shall be liable under any execution that may be issued against the said company, in the same manner and to the same extent, as if this act had not been passed: provided always, that if the directors of the said company shall, by any contract or engagement, incur any responsibility for any sum or

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sums of money beyond the amount of the shares subscribed for, without the sanction of the said company first had and obtained at some general or special meeting of said company, to be called and summoned agreeably to the bye-laws of the said company, the directors of the said company shall themselves be held and deemed personally liable for the amount so by them incurred.

To go into operation within five years.

16. Unless the said company shall go into operation within five years from the passing of this act, then this act, and every matter and thing therein contained, shall be of no effect.

14 Vic., chap. 10. AN ACT TO AMEND THE ACT TO INCORPORATE THE PICTOU GAS LIGHT COMPANY.

Passed 31st March, 1851.

Act 9th Vic., chap 41, continued.

1. *Be it enacted, &c.*—The act ninth Victoria, chapter forty-one, is hereby continued, so as to allow the company thereby established to go into operation within three years from the passing of this act.

4th sect. of above act repealed.

2. So much of the fourth section of the act as prevents the company from going into operation until three thousand five hundred pounds of stock shall be subscribed, is hereby repealed; but the company shall not go into operation until two thousand pounds of stock shall be subscribed.

7 Vic., chap. 61. AN ACT TO INCORPORATE THE HALIFAX WATER COMPANY.

Passed 19th April, 1844.

Company incorporated by name of Halifax water company.

1. *Be it enacted, &c.*, That his worship the mayor, Alexander Keith, esquire, the honorable Michael Tobin, James Boyle Uniacke, David Allison, Edward Cunard, junior, Edward Allison, John Clarke Hall, Andrew M. Uniacke, Andrew McKinlay, William B. Fairbanks, James Tremain, William Caldwell, James N. Shannon, Alexander G. Fraser, John Duffus, Adam Hemmeon and William N. Silver, and all and every other person or persons who shall from time to time be and become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and are hereby erected into a company, and declared to be a body politic and corporate, by the name of the Halifax water company; and by that name shall have succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded,

answer and be answered unto, defend and be defended, in any court or courts of law or equity, or place whatsoever, and be able and capable in law to have, hold, purchase, take, receive, lease, possess and enjoy, any houses, lands and tenements whatsoever, in fee simple, leasehold or otherwise, and also any goods and chattels, and all other things real, personal and mixed, and also to give, grant, sell, let, assign or convey the same, or any part thereof, as shall and may be thought necessary and proper for the benefit and advantage of the said company.

2. The said company shall not have, take, hold, possess or enjoy, at any one time, lands, tenements or hereditaments, of greater value than five thousand pounds.

3. The original capital or joint stock of such company, hereby established, shall be the sum of fifteen thousand pounds, to be divided into one thousand and five hundred shares, of ten pounds each; and it shall and may be lawful for the persons first mentioned in this act, immediately after the passing thereof, to open a book for subscription of shares to the said company; and no person shall be entitled to subscribe for more than thirty shares, until thirty days shall have elapsed from the day on which such subscription shall have been opened, and public notice thereof given by advertisement in the newspapers in Halifax; and if at the end of ten days, after public notice so given, the whole number of shares of and in the said joint stock or capital, as hereinbefore prescribed, shall not be taken up or subscribed, then any person or persons may subscribe for the residue of such shares, notwithstanding such person or persons may have respectively subscribed for more than thirty shares.

4. When and so soon as the said company shall be formed, and one-fourth of the shares taken up, it shall and may be lawful for the said company, by a majority of votes of any meeting or meetings to be thereafter held, to appoint a president, directors and officers of the said company, and to make bye-laws, rules and ordinances, for prescribing the duties, powers and authorities of the president, directors and officers of the said company, for limiting the number of directors—for regulating the payment, transfer, registry and forfeiture of shares—the time or times of meetings of the company, or of the directors—the making of dividends of profit, and the keeping of the accounts, and generally for the good order, conduct and government of the said company, its affairs and business, as may be requisite and necessary: provided always, that no bye law, rule or ordinance, shall be repugnant to this act, or to the laws or acts of this province, or those in force within the same; and provided also, that no bye-law, rule or ordinance, shall be of any force or effect until approved by the governor, lieutenant-governor or commander in chief, for the time being.

5. It shall and may be lawful for the said company, when formed, to supply the inhabitants of the city of Halifax with water, and for that purpose, at a proper and convenient distance below the

Not to hold lands of more than £5000 value.

Capital stock £15,000.

Shares £10 each.

Mode of taking shares.

When company may appoint officers, make bye laws, &c.

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Company may lay pipes, &c. below the streets, &c.

surface of the roads, streets and highways, of the said city, to cause reservoirs, tanks, fountains, pipes, leaders and tubes, to be laid and placed as may be proper and necessary.

Opening of streets
for laying down
pipes, &c.

6. For the purposes aforesaid, after ten days' notice given to the commissioners of streets of said city, it shall and may be lawful for the said company to break up and open the roads, streets and highways, in or near to the said city, in any place where necessary, and to keep any such road, street or highway open for such reasonable time as may be necessary; provided always, that the said company shall faithfully and carefully close, up, repair, and make good the said roads, streets or highways, to be so opened, at their own costs and charges, or otherwise shall be liable to defray all expenses to be incurred by the commissioners of streets in closing up, repairing or making good any road, street or highway, by the said company to be opened up—which expenses shall be recoverable by said commissioners against the said company, with costs, in her majesty's supreme court, by suit or action against the said company, in which it shall be sufficient for such commissioners to declare for work and labor done by them for the said company.

Capital may be
increased to £5000.

7. Whenever it shall become necessary to increase the capital or joint stock of the said company, it shall and may be lawful for the said company at any general meeting to be called agreeably to the bye-laws, rules and ordinances, to be made as aforesaid, to declare and direct that such increased capital shall be raised, not exceeding five thousand pounds, to be divided in shares of the like amount, as in respect to the original capital hereinbefore is prescribed; and such shares shall be sold to the shareholders, or at public auction, after notice in the public papers for at least thirty days, at the option of the directors; and if sold at any profit, such profit shall be divided and paid equally among the proprietors, as well of the increased capital as of the original capital.

Mode of voting.

8. At any general meeting of the said company, every proprietor or shareholder, having paid up all calls on him made, and then due and payable, if any be then due and payable, under the bye-laws, rules or ordinances of the said company, shall be entitled to vote according to the number of shares which any proprietor or shareholder may possess, that is to say; the owner of one share to have one vote, the owner of four shares to have two votes, and the owner of eight shares or any greater number of shares, to have three votes and no more, and may give such vote or votes by his or her proxy, duly constituted according to the bye-laws, rules or ordinances of the company; such proxy being a shareholder and entitled to vote, and every such vote by proxy shall be as good and sufficient, for all intents and purposes, as if such principal had voted in person; and whosoever any share shall be held by more than one person, then the person present at the meeting who stands first on the registry or is first named in the stock certificate shall vote therefor.

Mode of voting by
directors.

9. The mode of voting by the directors at any meeting of the

board shall be regulated by some bye-law, rule or ordinance of the said company, to be duly passed by the same.

10. For and notwithstanding any real estate which the said company may hold at any time, the shares and interests of the several shareholders of and in the capital stock and funds of the said company shall be held and deemed to be personal property to all intents and purposes whatsoever.

Shares deemed personal property.

11. Nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money by way of discount or otherwise, in engaging in any banking operation, or to underwrite, or make as underwriters, any insurance upon any ship or vessel or marine risk, or upon any loss by fire, or upon any life or lives.

Restrictions imposed on company.

12. The shares subscribed for by any shareholder in such company shall be payable in such manner, by such instalments or calls, and at such times and upon such notices as by the bye-laws, rules or ordinances of the said company may be ordered and directed; and if such calls or instalments shall not be paid, it shall and may be lawful for the said company to sue for and recover such calls or instalments, by suit or action in the supreme court, against any shareholder who shall make default in payment of any call or instalment.

Payment of shares.

13. Nothing herein contained shall extend, or be construed, or taken to relieve or discharge the said company, or any of the present or future shareholders in the said company from any responsibility, contract, duty or obligation whatsoever to which by law they, he or she now is, or at any time hereafter may be or would have been subject or liable had this act not been passed, as between such company and any other party or parties whomsoever; and the said shareholders in the said company, their lands, goods and chattels shall be liable under any execution that may be issued against the said company, in the same manner and to the same extent as if this act had not been passed: provided always that if the directors of the said company shall, by any contract or engagement, incur any responsibility for any sum or sums of money beyond the amount of the shares subscribed for, without the sanction of the said company first had and obtained at some general or special meeting of the said company, to be called and summoned agreeably to the bye-laws of the said company, the directors of the said company shall themselves be held and deemed personally liable for the amount so by them incurred.

Responsibility of company.

14. All and every the pipes and conductors to be laid down by the said company for the conveyance of water, in, under, through, along, across or round any of the streets, lanes, or other public passages or places within or adjacent to the said city shall be so laid and placed at the greatest practicable distance, and wherever the width of the street will allow thereof, at the distance of four feet at the least from the nearest part of any pipe or other conduit already or hereafter to be laid down or used for the conveyance of

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Pipes, &c. to be so laid as not to interfere with gas pipes.

gas, in, under, through, along or across, or around any road, street, lane or other public passage or place within or adjacent to the said city, except in cases where it shall be unavoidably necessary to lay the water pipes across any of the said gas pipes, in which case the said water pipes shall be laid under the said gas pipes, at the greatest practicable distance therefrom, and shall form therewith, as near as possible, a right angle.

Mode of obtaining
property necessary
for laying down
pipes.

Petition to judges
of supreme court.

Appointment of
appraisers.

15. Whenever it shall be necessary for the laying down or placing of any reservoirs, tanks, fountains, pipes, leaders or tubes, or for other the purposes of this act, that the said company should obtain and be invested with the title or possession of, or in any lots or parcels of land or premises situate to the westward of the citadel hill, it shall and may be lawful for the president and directors of the said company, in case they cannot agree with the proprietors of such lands respectively, for the sale or lease thereof as may be required, to apply either in term time or vacation to any two justices of her majesty's supreme court in this province, by petition, stating the nature and situation of the lands and property, and the estate or interest therein they desire to acquire, and the proceedings had with respect to the same, and the names and abode of the owners, proprietors and tenants thereof respectively, so far as they can be ascertained, and praying for the appointment of appraisers to value the property and estate, and interest therein, so required by such company, and praying also the transfer and conveyance thereof to the corporation, whereupon the said judges shall appoint a time and place for considering the said petition with respect to each several lot referred to, and shall direct to be given to all parties interested in each particular lot petitioned for, who may have their abode in this province; or in case of the absence of any such parties, then to the person or persons intrusted with the care or management and control of such lots respectively, proper notices in writing requiring the parties respectively interested to attend before them in person, or by their attorney or agent, at the time appointed for the purpose, and at the time so appointed shall require the said president and directors, on behalf of the said company, to nominate one appraiser; and the party or parties interested in each particular lot referred to, to nominate also on his or their part two appraisers; and the said judges shall name two other appraisers, and shall, by an order in writing, constitute and appoint the person so chosen and named to act and be appraisers of the value or rent, as the case may be, of the several and respective lots or parcels of land by the petition respectively referred to; and in case the party or parties collectively interested in any lot or parcel of land so required by the said company, or having, in the absence of the proprietor or proprietors, control and management thereof as aforesaid, shall fail to attend at the time and place appointed, or shall neglect or refuse to name two appraisers as aforesaid, the said judges shall name two fit and discreet persons, as the case may require, to act on behalf of the person or party or parties

so failing to appear, or declining or neglecting to make such nomination as aforesaid; and the persons so named and chosen shall, before they enter upon the duties of their appointment, severally subscribe an affidavit, and make an oath before one of the said judges or any other judge of the supreme court, or a master in chancery, faithfully and impartially to perform the trust and duties so required of them by order of the said judges—which affidavit, with the said petition, shall be filed in the office of the prothonotary of the said supreme court at Halifax; and the said appraisers, or a majority of them, shall make a just and equitable valuation and appraisement of the fair and reasonable value in money of the fee simple and inheritance of each several lot or parcel of land in the said petition referred to and applied for, or of the just and fair annual rent or gross sum which ought to be paid for the lease thereof; and shall certify and return their award, appraisement and determination in writing, touching the value, price or rent aforesaid, and of each several lot under their hands or the hands of the major part of them, into the office of the said prothonotary—whereupon, if the supreme court at Halifax, in term time, or any two judges thereof in vacation, shall be of opinion that the said award and valuation hath been fairly, equitably and impartially made; and if no sufficient cause shall be shewn against such award and valuation, the said court or judges shall confirm the same, and thereupon the said corporation shall pay and satisfy to the person or persons entitled to receive the same, the full amount of such award or valuation, together with such costs and expenses as the said court, or two judges, shall deem it reasonable to adjudge to be paid by the said company.

16. The said judge or judges, and also the said supreme court, shall have, with respect to the proceedings touching such appraisement and estimation of damage by means aforesaid, and with respect to the allowance or taxation of costs to or against the parties, all necessary discretion, powers and authority, and shall and may inquire into the proceedings by oath of witnesses or otherwise; and shall and may also, on good cause shewn, set aside any such award and appraisement, and either direct the parties appraisers again to view, estimate and decide upon the value of such lands, yearly or otherwise, as aforesaid: or otherwise, if it shall be deemed expedient, shall and may nominate other appraisers, and make an order for their making a new appraisement and valuation of the same respectively; and the appraisers so nominated shall be sworn as aforesaid, and the award or appraisement so by them or the major part of them made and returned in writing, when approved and confirmed by the court or justices aforesaid, shall be final between the parties, and may be carried into effect accordingly.

17. The award made on the second appraisement shall be final and conclusive to all intents whatsoever.

18. Immediately upon payment of the sum awarded, and the costs being made as aforesaid, for any lot or parcel of land referred

Appraisers to be sworn.

Award to be returned to prothonotary's office.

Proceedings to set aside award.

Judges may enquire into proceedings; set aside award or order new valuation, or appoint other appraisers.

Second award to be final.

Corporation to be owners or tenants of lot.

Court or judges to
order party to de-
liver up posses-
sion.

Party to execute
deeds, &c.

Mode of enforcing
obedience.

Company must go
into operation
within 5 years.

to in any such petition, the said corporation shall be and be deemed the rightful purchasers and owners of the fee simple, and inheritance of such lot or parcel of land, with the appurtenances, if the said award be for the purchase thereof, or otherwise the tenants thereof for such term, as in their petition or the award may be set forth, so far as the true and rightful ownership of the said lot or parcel of land may have been correctly set forth in such petition; and thereupon, upon application of the president and directors of the said company, it shall and may be lawful for the said court, or any two judges thereof, on proof made of such payment, by any order or orders to be made in the matter of the said petition, to require the party or parties in possession of, or claiming title to any lot or parcel of land for which such payment has been made, to deliver up possession of the same to the corporation, or to authorize the said president and board of directors to enter into such lot, by any of the officers or servants of the corporation, and to retain such possession; and further if need be, by any order or orders of the said court or judges, to empower the sheriff or his deputy to put the said corporation, by its officers or servants, into quiet possession of such lot, and likewise by any order or orders of the said court or judges, to require and direct any such persons, so interested in any such parcel or lot so valued and paid for as aforesaid, or in case of their absence from the province, then the person in charge thereof as aforesaid, to make, sign, seal and execute, all such deeds, grants, conveyances or demises, as may be necessary for the purpose of conveying or demising the same to the said corporation; and in case of neglect or refusal on the part of any person or persons to comply with any such orders, then, as the case may require, obedience to, and compliance with the same, shall be enforced by the usual process therefor, to be issued by the said court or judges.

19 Unless the said company shall go into operation within five years from the passing of this act, then this act, and every matter and thing therein contained shall be of no force or effect, any thing herein contained to the contrary notwithstanding.

9 Vic., chap. 2.

AN ACT TO AMEND THE ACT TO INCORPORATE THE HALIFAX WATER COMPANY.

Passed 23th February, 1846.

Preamble.

Whereas, by an act passed in the seventh year of the reign of her present majesty, entitled, an act to incorporate the Halifax water company, it is among other things enacted that the original capital or joint stock of the said company shall be the sum of fifteen thousand pounds. and that the said company shall have power to increase the same by raising an additional sum not exceeding

five thousand pounds; and whereas the said company are desirous of increasing the said capital to thirty thousand pounds:

1. *Be it enacted, &c.*, That the capital or joint stock of the said Halifax water company, shall and may be extended to the sum of thirty thousand pounds, or to such other amount under that sum as shall by the said company be deemed necessary, to be divided into shares of the like amount, and subject to such bye-laws, rules and regulations as in respect to the original capital in the said act is prescribed and contained.

Amount of stock.

See 1851, c. 6 post

AN ACT TO ENABLE THE HALIFAX WATER COMPANY TO CONSTRUCT
A RESERVOIR ON THE COMMON OF HALIFAX.

11 Vic., chap. 48.

Passed 11th April, 1848.

Whereas the Halifax water company have commenced laying down the necessary pipes for conducting water into the city of Halifax, and have expended a large sum of money in the execution of said works; and whereas it has become necessary that a distributing reservoir should be constructed in the suburbs of Halifax to reduce the pressure on the service pipes to be laid through the streets of the said city, and a suitable site has been found on the north-west end of the camp or wind-mill hill, so called, on the common of Halifax:

Preamble.

1. *Be it enacted, &c.*, That the hereinafter described piece of land, part and parcel of the common of Halifax aforesaid, shall be appropriated for the purpose of constructing such reservoir, that is to say—all that lot or piece of land situate on the wind-mill hill aforesaid, on the said common, on the east side of the highway running along the west side of said common, and bounded and described as follows: beginning at a point twenty feet to the eastward of the east side line of said highway, which point is distant one hundred and fifty feet northward of the north line of the lot reserved for military purposes; thence from the said point of beginning to be bounded by a line measuring eastwardly on a course parallel with the north line of said military ground three hundred and thirty feet; thence at right angles with the last course, and on a line parallel with the highway aforesaid three hundred and thirty feet; thence westwardly three hundred and thirty feet; thence parallel with said highway southwardly to the place of beginning, comprehending within this description about two acres and one half of an acre, more or less, with the appurtenances thereof.

Description of land granted for reservoir.

2. The said company may, and they are hereby authorized and empowered, to enclose the hereinbefore described lot or piece of land for a reservoir, by a wall, or otherwise, and to plant and

Enclosure of land, &c. &c.

embellish the said ground after the said reservoir shall have been constructed and finished, and to preserve, uphold, repair, and maintain the said reservoir, and the said wall, or other enclosure, from time to time, as they shall deem proper.

Not to extend to any other part of common, &c.

3. Nothing in this act contained shall extend, or be construed to extend, to any other part of the said common, or any reservations or grants, or leases of parts thereof for sepulture or military purposes, or to give to said company any right, title or interest, in the said lot hereby appropriated, for a longer period than their continuance as a water company, nor for any other purpose than a reservoir as aforesaid.

Rent to be paid by company, &c.

4. The said company, during their holding of such piece of ground hereunder, shall pay to the city of Halifax, in the nature of a rent therefor, as follows, that is to say: for the term of seven years, to commence and be computed from the first day of October next, the annual sum of fifteen pounds, payable in quarterly instalments, to become due on the first days of January, April, July and October, in every year; and at the expiration of the said term of seven years, in lieu thereof, the annual sum of twenty-five pounds, or such less sum as the city council, having a just regard to the state of affairs, business, and profits of the company, shall agree to take: such annual sum to be also payable quarterly on the respective days aforesaid in every year; and all such sums shall form and be a lien on the funds and stock of the company, and shall be distrainable upon their works and appurtenances in the same manner as other rents are distrainable.

14 Vic., chap. 6. AN ACT IN AMENDMENT OF AN ACT TO ENABLE THE HALIFAX WATER COMPANY TO CONSTRUCT A RESERVOIR ON THE COMMON OF HALIFAX.

Passed 31st March, 1851.

11 Vic., chap. 46, sec. 1, repealed.

1. *Be it enacted, &c.*—The first section of the act passed in the eleventh year of her majesty's reign, chapter forty-six, entitled, an act to enable the Halifax water company to construct a reservoir on the common of Halifax, is hereby repealed.

Piece of land appropriated for use of water company to make a reservoir on the common of Halifax.

2. The hereinafter piece of land, part and parcel of the common of Halifax, shall be appropriated for the purpose of constructing a reservoir by the Halifax water company, that is to say,—all that lot or piece of land, situate on the wind-mill hill, on the said common, beginning on the east side of the highway running along the west side of said common, at the north line of the lot reserved for military purposes, and now marked by a granite post; thence east along the said north line of the said military ground three

hundred and thirty-feet; thence north at right angles with the last course, on a line parallel with the highway aforesaid, three hundred and thirty feet; thence west three hundred and thirty feet; thence parallel with the said highway southwardly to the place of beginning, comprehending with this description about two acres and one half of an acre, more or less, with the appurtenances thereof.

AN ACT TO INCORPORATE THE DARTMOUTH WATER COMPANY.

9 Vic., chap. 44.

Passed 20th March, 1846.

1. *Be it enacted, &c.*, That Edward H. Lowe, Lawrence Hartshorne, John Tempest, John E. Fairbanks, Alexander Lyle, Charles Allen, and all and every other person or persons who shall from time to time be and become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and are hereby erected into a company, and declared to be a body, politic and corporate in deed and in name, by the name of "the Dartmouth water company," and by that name shall have succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered to, and prefer any bill or bills of indictment, information or other proceedings in any court or courts of law or equity, or other place or places whatsoever, and be able and capable to have, hold, take, purchase, receive, lease and enjoy any houses, lands, tenements or hereditaments whatsoever in fee simple, leasehold or otherwise, and also any goods, chattels or effects, and all other things real, personal or mixed, and also to give, grant, sell, let, assign or convey the same or any part thereof as shall and may be thought necessary and proper for the benefit and advantage of the said company: provided always that the said company shall not have, take, hold, possess or enjoy at any one time lands, tenements or hereditaments of greater value than five thousand pounds.

Dartmouth water company incorporated.

Proviso

2. The original capital or joint stock of the said company hereby established shall be the sum of four thousand pounds, to be divided into four hundred shares of ten pounds each; and it shall and may be lawful for the persons first mentioned in this act, or any of them, immediately after the passing thereof, to open a book for subscription of shares to the said company, and no person shall be entitled to subscribe for more than twenty shares until thirty days shall have elapsed from the day on which such subscription shall have been opened, and public notice thereof given in at least two of the newspapers printed in Halifax; and if at the end of thirty days after public notice so given, the whole number of shares of and in

Amount of capital, division into shares, &c.

the said joint stock and capital as hereinbefore prescribed shall not be taken up or subscribed, then any person or persons may subscribe for the residue of such shares, notwithstanding such person or persons may have subscribed for more than twenty shares.

Appointment of president, directors, &c., making bye-laws, rules, &c.

3. When and so soon as the said company shall be formed, and one-fourth of the shares taken up, it shall and may be lawful for the said company, by a majority of votes at any meeting or meetings to be hereafter held, to appoint a president, directors and officers of the said company, and to make bye-laws, rules and ordinances of the said company for prescribing the duties, powers and authority of the president, directors and officers of the said company, for limiting the number of directors—for regulating the payment, transfer, registry and forfeiture of shares—the time or times of meeting of the company or of the directors—the making of dividends of profits, and the keeping of the accounts, and generally for the good order, conduct, management and government of the said company, its affairs and business, as may be requisite and necessary: provided always that no bye-law, rule or ordinance so to be made shall be repugnant to this act or to the laws or acts of this province or those in force within the same: and provided also that no bye-law, rule or ordinance shall be of any force or effect until approved by the governor, lieutenant governor or commander in chief for the time being, with the advice of the executive council.

Proviso.

Company to make reservoirs, lay pipes, &c.

4. It shall and may be lawful for the said company, when formed, to supply the inhabitants of the township of Dartmouth with water, and for that purpose, at a proper and convenient distance below the surface of the roads, streets and highways of the said township of Dartmouth, or those leading to the same, to cause reservoirs, tanks, fountains, leaders, pipes and tubes to be laid and placed as may be necessary and proper.

To open roads after notice to commissioners of streets.

5. For the purposes aforesaid, after ten day's notice given to the commissioners of streets for the said township, it shall and may be lawful for the company to break up and open the roads, streets or highways, in or near to the said township, in any place where necessary, and to keep any such street, road, or highway open for such reasonable time as may be necessary: provided always, that the said company shall faithfully and carefully close up, repair, and make good the said roads, streets or highways, to be so opened at their own costs and charges, or otherwise shall be liable to defray all expenses to be incurred by the said commissioners of streets, in closing up, repairing, or making good any road, street or highway, which by the said company may be opened up, and all such expenses shall be recoverable by the said commissioners in any suit or action against the said company, in her majesty's supreme court, in which suit or action it shall be sufficient for such commissioners to declare for work and labor by them done and performed for the said company.

Proviso.

Meeting to increase capital—disposal of such capital, &c.

6. Whenever it shall become necessary to increase the capital or joint stock of the said company, it shall and may be lawful for

the said company, at any general meeting to be called, agreeably to the bye-laws, rules, and ordinances to be made as aforesaid, to declare and direct that such increased capital shall be raised to any extent not exceeding three thousand pounds, to be divided in shares of the like amount as is hereinbefore prescribed in respect to the original capital, and such shares shall be sold to the original shareholders, or at public auction, or partly to the original shareholders, and partly at public auction, at the option of the directors, and of any such public auction, thirty days' notice at least shall be given, in at least two of the public newspapers, printed in Halifax; and if such shares shall be sold at a profit, the profit shall be divided and distributed equally among the proprietors, as well of the increased capital as of the original capital.

7. At any general meeting of the said company, every proprietor or shareholder, having paid up all calls made and then due and payable under or agreeably to the bye-laws, rules, or ordinances of the said company, shall be entitled to vote according to the number of shares held or possessed by such proprietor or shareholder, that is to say, the holder of one share shall have one vote, the holder of five shares shall have two votes, and the holder of eight shares and upwards shall have three votes, and no more.

Qualification of votes.

8. Any proprietor or shareholder may vote by proxy, to be constituted in writing under the hand of such proprietor or shareholder, to any other proprietor or shareholder entitled to vote; and every such vote by proxy, to be given to a proprietor or shareholder, shall be as good, valid and sufficient, as if the principal were present and voted in person.

Votes by proxy.

9. Whenever any share or shares shall be held by more than one person, the person present at the meeting whose name shall be first in the registry of shares or on the stock certificate, shall be entitled to vote upon or for such share or shares.

Vote on share held by more than one person.

10. The mode of voting of directors at any meeting of the board of directors, shall be regulated by some bye-law, rule or ordinance of the said company, to be passed as hereinbefore prescribed.

Votes by directors.

11. For and notwithstanding any real estate which the said company may hold at any time, the shares and interest of the several shareholders of and in the capital or joint stock and funds of the said company, shall be held and deemed to be personal property, to all intents and purposes whatsoever.

Shares deemed personal property.

12. Nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money, by way of discount or otherwise, engaging in any banking operation, or to underwrite or make as underwriters, any insurance upon any ship or vessel or marine risk, or upon any loss by fire, or upon any life or lives.

Company not to lend money, underwrite, &c.

13. The shares subscribed for by any shareholder in such company shall be payable in such manner, by such instalments or calls, and at such times and upon such notice or notices as by the

Payment of shares, &c.

bye-laws, rules or ordinances of the said company may be ordered and directed; and if such calls or instalments shall not be paid, it shall and may be lawful for the said company to sue for and recover such calls or instalments by suit or action in the supreme court against any shareholders who shall or may make default in payment of any call or instalment.

Proviso.

14. Nothing herein contained shall extend or be construed, or taken to relieve or discharge the said company, or any of the present or future shareholders thereof, from any responsibility, contract, duty or obligation whatsoever to which by law such company or the said shareholders are, or at any time hereafter may be or would have been subject or liable had this act not been passed, as between the said company and any other person or persons whomsoever; and the shareholders in the said company, their lands, goods and chattels, shall be liable under any execution that may be issued against the said company in the same manner and to the same extent as if this act had not passed: provided always that if the directors of the said company shall, by any contract or engagement, incur any responsibility for any sum or sums of money beyond the amount of the shares subscribed for without the sanction of the said company first had and obtained at some general or special meeting of the said company, to be called and summoned agreeably to its bye-laws, rules or ordinances, the directors of the said company shall themselves be and be held, and deemed personally liable for the amount so by them incurred.

Proviso.

Company to petition supreme court to appoint appraisers on refusal of proprietors to sell or lease lands.

15. Whenever it shall or may be or become necessary for the purposes of this act that the said company should obtain or be invested with the title or possession of, or in any lot, piece or parcel of land situate in or near to the said township of Dartmouth, it shall and may be lawful for the president and directors of said company, in case they cannot agree with the proprietor or proprietors of any such lot, piece or parcel of land for the sale or lease thereof as may be required, to apply to the supreme court at Halifax in term time, or to any two judges thereof in vacation, by petition, stating the nature and situation of the land and the estate or interest the said company may require to have, and the proceedings had with respect to the same, and the names and places of abode of the owners, proprietors and tenants thereof respectively, so far as they can be ascertained, and praying for the appointment of appraisers to value the land and the estate and interest therein required by the company, and praying also the transfer and conveyance thereof to the said company, whereupon the said court or judges shall appoint a time and place for considering such petition, and shall order and direct to be given to all parties interested in any and every lot, piece or parcel of land petitioned for, who may then be in this province, or in case of the absence of any such party, then to any person or persons who may be entrusted with the management, possession or control of any such lot, piece or parcel of land, proper notice in writing, requiring such parties so interested,

to attend before such court or judges in person, or by their attorney or agent, at the time and place so to be appointed as aforesaid.

16. At the time and place so appointed, the said court or two judges shall require the president and directors of the said company to nominate one appraiser on behalf of the said company, and the party or parties interested in every respective lot, piece or parcel of land referred to in the said petition, to nominate two appraisers, and the said court or judge shall nominate also two appraisers, and in case the party or parties interested in any lot, piece or parcel of land referred to in the petition, and required by the company, or the party or parties having the management, possession or control of the said lot, piece or parcel of land, as hereinbefore mentioned, shall fail to appear at the time and place appointed, or having appeared, shall neglect or refuse to nominate appraisers, then and in either of such cases the said court or judges shall nominate two persons to act as appraisers for such party or parties, and the said court or judges by rule or order in writing, shall then and there constitute and appoint the said persons so to be nominated, as aforesaid, appraisers, and authorize and direct them to value and appraise the price or value of any such lot, piece or parcel of land, or the rent to be paid for the same, as the case may require.

Appointment of appraisers.

17. The persons so named and appointed, shall, before they enter upon the performance of their duties as such appraisers, severally make and subscribe an affidavit in writing, in open court, or before some one of the judges of the said supreme court, or some master in chancery, that they the said appraisers, will faithfully and impartially perform the trust and duties committed to and required of them by the rule or order of the said court or judges, which affidavit, with the petition, shall be filed in the office of the prothonotary of the supreme court at Halifax.

Affidavit to be made by appraisers.

18. The said appraisers, so to be appointed and sworn, or the majority thereof, shall make a just and equitable valuation and appraisal of the fair and reasonable value of the inheritance or fee simple of every lot, piece or parcel of land in the said petition referred to, whereof the inheritance or fee simple is required by the company, or of the fair annual rent or gross value of the term of years where any lot, piece or parcel of land shall by the said petition be required for a term of years, and shall make a return in writing under their hands, or the hands of the majority of them, to the said prothonotary of the said supreme court, to be filed and kept in his office with the said petition and affidavit, whereupon, and upon the application of the president and directors of the company to the supreme court in term, or to any two judges thereof in vacation, if the said court or judges shall be of opinion that the appraisal and valuation have been fairly, justly and impartially made and no sufficient cause shall be shewn against the same; the said court or judges shall by rule of court, or order in writing, confirm the said appraisal and valuation, which rule of court or order, shall be

Valuation and appraisal.

filed with the said petition and other papers, and thereupon the said company shall pay to the person or persons entitled to receive the same, as well the amount of such valuation and appraisement as also all such costs and expenses as the said court or judges shall deem reasonable and proper, and shall adjudge and order the said company to pay.

*Examination of
appraisement.*

19. The said court, in term, or any two judges thereof in vacation, shall have full power and authority to enquire into and examine the said appraisement and valuation, and all proceedings connected therewith, and to hear cause shewn against the same, and to hear witnesses under oath, and by other legal evidence, to investigate all such proceedings as aforesaid, and shall have full power and authority, if the same shall be deemed just and proper, to set aside any such appraisement and valuation, and either to direct and order the same appraisers to review their said valuation and appraisement in any particular, or to nominate new appraisers, and to make a rule, or order for a new appraisement, and thereupon such new appraisers shall be nominated and sworn, and shall proceed to such new appraisement and valuation as hereinbefore is directed and prescribed, and their award and appraisement, or that of the major part of them, shall be returned as hereinbefore directed, and shall be final and conclusive, and shall be confirmed by the said court, or two judges thereof, and payment made in pursuance thereof by the said company, with costs, in manner as is hereinbefore also directed.

*Payment of
award, &c.*

20. Immediately upon payment of the sum awarded with costs and expenses, as aforesaid, being made or lawfully tendered by the said company, for any lot, piece or parcel of land, so petitioned for as aforesaid, the said company shall be, and be held and deemed to be the rightful purchasers and owners of the fee simple and inheritance of every lot, piece or parcel of land, with the appurtenances, whereof the valuation or appraisement shall be for the price or value of the inheritance or fee simple, or the tenants of every such lot, piece or parcel of land and its appurtenances, as in their petition, or the appraisement to be made as aforesaid, may be applied for or awarded for a term of years, and for the term by the said appraisement to be fixed, so far as the true and rightful ownership of every such respective lot, piece or parcel of land, may have been correctly set forth in the petition for the same.

*Court to compel
owners to give up
property to com-
pany.*

21. Upon application of the president and directors of the said company, it shall and may be lawful for the said supreme court in term, or for any two judges thereof in vacation, on proof made of such payment or lawful tender as aforesaid, by any rule or order to be made in the matter of the said petition, to require the party or parties in possession of or claiming title to any lot, piece or parcel of land, for which such payment or lawful tender has been so made, to deliver up possession of the same to the company, or to authorize the president and directors by the officers and servants of the company or any of them, to enter into any such lot, piece or parcel of

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land, with its appurtenances, and to retain and have possession thereof, and further, if need be, by any rule or order of the said court or judges, to empower the sheriff or his deputy to put the said company, by any of its officers or servants, into quiet possession of any such lot, piece or parcel of land, and also by any rule or order of the said court or judges to require and direct any person or persons interested in any lot, piece or parcel of land, for which the said appraised value, with costs, may have been paid or lawfully tendered as aforesaid, to make, sign, seal and execute any deed or deeds, grant or grants, conveyances or demises, as may be necessary for the purpose of conveying or demising the same to the said company, and if any person or persons shall neglect or refuse to comply with any such rule or order, then such person or persons shall be liable to the ordinary process for neglect or refusal to obey a rule of court, and such process may be granted for neglect or refusal to obey any order of the said two judges made in vacation, without previously making such order a rule of court.

22. Unless the said company shall go into operation within five years from the passing of this act, then this act, and every matter, clause and thing herein contained, shall be of no force or effect, any thing herein contained to the contrary notwithstanding.

Company to go
into operation
within 5 years.

AN ACT TO AMEND THE ACT TO INCORPORATE THE DARTMOUTH WATER COMPANY. 10 Vic., chap. 66.

Passed 30th March, 1847.

Whereas in and by an act of the last session of the general assembly, entitled, an act to incorporate the Dartmouth water company, the capital stock of said company is made to consist of four hundred shares of ten pounds each; and whereas, at a late meeting of the inhabitants of Dartmouth, it was resolved that it would conduce more to the benefit of the public if said act was amended so as to divide said capital stock into eight hundred shares of five pounds each:

Preamble.

1. *Be it therefore enacted, &c.*, That from and after the passing of this act the original capital or joint stock of the said company shall be divided into eight hundred shares of five pounds each, instead of four hundred shares of ten pounds each.

Amount and divi-
sion of capital.

2. If any instalments or shares which are duly called for pursuant to the bye-laws, rules or ordinances of said company, as mentioned in the thirteenth clause of said act, shall remain unpaid after the time limited in the notice for payment thereof as mentioned in said clause, it shall and may be lawful for the said company to sue for and recover the amount of such calls or instalments

Recovery by suit
of instalments.

either in the manner specified in the said thirteenth clause of said act, or, provided the same do not exceed the sum of ten pounds, by suit or action before any two of her majesty's justices of the peace for the county of Halifax.

Effect of act on
votes of sharehol-
ders.

3. Nothing in this act contained shall extend, or be construed to extend to alter or affect the qualification of any proprietor or shareholder as a voter at any general meeting of the said company, further than to permit the holder of one share of the value of five pounds to vote at such meeting; and no person shall be entitled to more than one vote unless he be duly qualified as the holder of stock to the value expressed or intended in and by the seventh section of said act, of which this act is an amendment.

14 Vic., chap. 7. AN ACT TO CONTINUE AND FURTHER AMEND THE ACT TO INCORPORATE THE DARTMOUTH WATER COMPANY.

Passed 31st March, 1851.

9 Vic., chap. 44,
and 10 Vic., chap.
86, continued

1. *Be it enacted, &c.*—The act ninth Victoria, chapter forty-four, and also the act tenth Victoria, chapter fifty six, in amendment thereof, are hereby continued, so as to enable the company thereby established to go into operation within three years from the passing of this act.

Part of section
therein repealed.

2. So much of the third section of the first mentioned act as prevents the company from being organized until one-fourth of the capital stock shall be subscribed, is hereby repealed; but the company, when organized, shall not proceed with the undertaking until one-eighth part of the capital stock shall have been subscribed and paid in.

12 Vic., chap. 41.

AN ACT TO INCORPORATE THE DIGBY WATER COMPANY.

Passed 31st March, 1849.

Digby water com-
pany incorpo-
rated.

1. *Be it enacted, &c.*, That William Farnham, Botsford Viets, Edward M. Marshall, James Crowley, Charles R. Crowley, Charles Classon, Daniel Dakin, junior, John Bennet, and all other persons who shall from time to time be and become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and are hereby erected into a company and declared to be a body, politic and corporate, in deed and in name, by the name of "the Digby water company," and by that name shall have succes-

own costs and charges, or otherwise shall be liable to defray all expenses to be incurred by the said commissioners of streets in closing up, repairing or making good any road, street or highway which by the said company may be opened up; and all such expenses shall be recoverable by the said commissioners in any suit or action against the said company, in her majesty's supreme court, or provided the same do not exceed the sum of ten pounds, by suit or action before any two of her majesty's justices of the peace for the said county, in which suit or action it shall be sufficient for such commissioners to declare for work and labor by them done and performed for the said company.

Increase of capital.

6. Whenever it shall become necessary to increase the capital or joint stock of the said company, it shall and may be lawful for the said company at any general meeting to be called agreeably to the bye-laws, rules and ordinances, to be made as aforesaid, to declare and direct that such increased capital shall be raised to any extent not exceeding one thousand pounds, to be divided into shares of the like amount, as is hereinbefore prescribed in respect to the original capital.

Right to vote.

7. At any general meeting of the said company, every proprietor or shareholder having paid up all calls made and then due and payable, under or agreeably to the bye-laws, rules or ordinances of the said company, shall be entitled to one vote.

Vote by proxy.

8. Any proprietor or shareholder may vote by proxy, to be constituted in writing under the hand of such proprietor or shareholder, to any other proprietor or shareholder entitled to vote; and every such vote by proxy to be given to a proprietor or shareholder, shall be as good, valid and sufficient as if the principal were present and voted in person.

Shares deemed personal property.

9. For and notwithstanding any real estate which the said company may hold at any time, the shares and interest of the several shareholders of and in the capital or joint stock and funds of the said company shall be held and deemed to be personal property to all intents and purposes whatsoever.

Payment of subscription—mode of recovery.

10. The shares subscribed for by any shareholder in such company, whether in such original or increased capital, shall be payable in such manner, by such instalments or calls, and at such times and upon such notice as by the bye-laws, rules or ordinances of the said company may be ordered or directed; and if any such calls or instalments shall not be paid, it shall be lawful for the said company to sue for and recover such calls or instalments by suit or action in the supreme court, or, provided the same do not exceed the sum of ten pounds, by suit or action before any two of her majesty's justices of the peace for the county of Digby.

Proviso.

11. Nothing herein contained shall extend or be construed or taken to relieve or discharge the said company, or any of the present or future shareholders thereof, from any responsibility, contract, duty or obligation whatsoever to which by law such company or the said shareholders are or at any time hereafter may be or

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would have been subject or liable had this act not been passed, as between the said company and any other person or persons whomsoever; and the shareholders in the said company, their lands, goods and chattels, shall be liable under any execution that may be issued against the said company in the same manner and to the same extent as if this act had not passed: provided always that if the directors of the said company shall by any contract or engagement incur any responsibility for any sum or sums of money beyond the amount of the shares subscribed for without the sanction of the said company first had and obtained at some general or special meeting of the said company to be called and summoned agreeably to its bye-laws, rules or ordinances, the directors of the said company shall themselves be and be held and deemed personally liable for the amount so by them incurred.

AN ACT FOR INCORPORATING CERTAIN PERSONS THEREIN MENTIONED FOR INSURING HOUSES, BUILDINGS, GOODS, WARES AND MERCHANDIZES FROM LOSS AND DAMAGE BY FIRE. 50 Geo. 3, chap. 17.

Whereas James Fraser, George Grassie, James Foreman, John Pryor, John Albro, John Merrick, Michael Tobin, and sundry other persons are desirous of forming a capital or joint stock for the purpose of making insurance upon houses, buildings, stores, goods and merchandizes within this province, from loss and damage by fire; and whereas it is conceived that it would be advantageous to the said persons, and all others who might from time to time unite with them, and also to the public, if they were incorporated under certain restrictions and regulations for the purpose aforesaid:

1. *Be it therefore enacted &c.*, That it shall and may be lawful for the governor, lieutenant governor or commander in chief for the time being, by letters patent under the great seal of this province, to incorporate the said James Fraser, George Grassie, James Foreman, John Pryor, John Albro, John Merrick and Michael Tobin, as directors, and all and every person or persons who in their own right, or as executors, administrators or assigns of the original proprietors, at any time or times hereafter shall have and be entitled to any part, share or interest in the said capital or joint stock, as members, to be one body, politic and corporate in deed and in name, by the name of the Halifax fire insurance company, and by that name to have succession and to have a common seal, with power from time to time to choose, from among themselves, their president, vice president, and other officers as by the said letters patent shall be directed; and by that name to sue and be sued, implead and be impleaded in all courts and places within the pro-

Preamble.

Persons incor-
porated by the name
of the Halifax fire
insurance compa-
ny.

Succession.

Seal.

Officers.

May sue and be
sued.

Make bye-laws,
&c.

vince of Nova Scotia, with power to make bye-laws, rules and ordinances, not contrary to the law of the land, for and concerning the admitting of members and the regulation and general management of the business of the said corporation, and to assemble together when, where and as often, and upon such notice, as to them shall seem meet, for the execution and management of the said business of the said corporation.

Directors.

2. The said James Fraser, George Grassie, John Pryor, John Albro, John Merrick and Michael Tobin shall be directors as aforesaid for the period of one year from the date of the said letters patent, at the expiration of which time, and annually thereafter, two shall go out according to such rules as shall be established by the said corporation in their general meeting, and two others shall be chosen in their stead from the members of the said corporation, duly admitted according to their bye-laws so to be made as aforesaid—which choice shall be certified by the president, under the seal of the said corporation, to the governor, Lieutenant governor or commander in chief for the time being: and in case the governor, Lieutenant governor or commander in chief for the time being shall approve of such choice, he shall endorse his approbation thereof upon the back of the said certificate, which being returned to the president and duly entered in the books of the said corporation, the persons so elected and appointed shall become directors of the said corporation in the same manner as if they had been included in the original letters patent: and in case of the death or removal from the province of any of the said directors, the choice of others to fill their place shall be made and approved of as aforesaid: provided that nothing herein contained shall prevent the persons so going out of office as aforesaid from being re-elected to fill the said situations at any time after the period of one year from their so going out of office as aforesaid.

Capital or joint
stock.

3. The capital or joint stock of the said company shall not be less than fifty thousand pounds, to consist of one hundred shares of five hundred pounds for each share, of lawful money of Nova Scotia: ten thousand pounds of which shall be deposited and secured in the British or provincial funds, and forty thousand pounds shall be secured by mortgage on real estate in the province of Nova Scotia, or bonds, to the satisfaction of the directors—which investment and security shall be made and taken, and kept and continued from time to time, to the satisfaction of such persons as the governor, Lieutenant governor or commander in chief for the time being shall appoint to examine and report upon the funds and securities of the said company.

Insurance.

4. When the said corporation shall have provided and secured the said capital or joint stock of fifty thousand pounds as aforesaid, to the satisfaction of the governor, Lieutenant governor or commander in chief for the time being, it shall and may be lawful for them to cause insurances to be made on houses, buildings, stores, goods, wares and merchandizes within this province, from loss and damage

by fire, to the value of one hundred and fifty thousand pounds, and no more, and the whole of the said capital or joint stock shall be pledged and liable to make good all and every loss which may happen upon all or any of the said policies: provided always that in case the said corporation shall at any time during the continuance of this act represent to the governor, lieutenant governor or commander in chief for the time being that the demands on the said corporation for making insurance exceed the said sum of one hundred and fifty thousand pounds, it shall and may be lawful for the governor, lieutenant governor or commander in chief, by and with the advice of his majesty's council, to grant permission under his hand and seal to the said corporation for making further insurances as aforesaid to the amount of a further sum, not exceeding fifty thousand pounds; and in case the said corporation shall at any time make any insurances beyond the said sum of one hundred and fifty thousand pounds or beyond the further sum of fifty thousand pounds, in case the said corporation may obtain license as aforesaid to make such further insurance, in either case each of the members shall be liable in their own persons and estates for his share or proportion of such sums insured beyond the said sum of one hundred and fifty thousand pounds or beyond the said sum of fifty thousand pounds in addition thereto, if licensed as aforesaid.

Payment of losses.

5. All just demands upon any policy of insurance of the said corporation from any losses whatever which may happen, shall be paid, satisfied and discharged from time to time according to the tenor of the respective policies, within three months from the time any such loss shall occur and happen.

Losses.

6. The books and accounts of the said corporation, and a statement of their funds and insurances made, shall at all times be open to the inspection of such person or persons whom the governor, lieutenant governor or commander in chief for the time being shall appoint to inspect the same; and in case the said corporation shall fail to keep good the said capital or joint stock as aforesaid, it shall and may be lawful for the governor, lieutenant governor or commander in chief, by any instrument under the great seal of the province, to revoke and make void the said letters patent, and all the powers thereby granted, in which case the members of the said corporation shall be severally liable in their persons and estates according to their proportion and share of such joint stock, for all insurances by them made as a corporation or otherwise, any thing herein contained to the contrary notwithstanding.

Inspection of books, accounts, &c. of corporation.

Patent of incorporation may be revoked.

7. The share and part of each member of the said corporation shall be considered personal property, and may be sold and assigned by the proprietor or otherwise, as other personal property may be sold or assigned, provided that the purchaser or purchasers shall make the payment and give the security hereinbefore described.

Shares may be sold or assigned.

8. If any person or persons shall forge or counterfeit, or cause to be forged or counterfeited, the common seal of the said corpora-

Counterfeiting policy or seal.

tion to be erected by this act, or shall forge, counterfeit or alter any policy or other instrument under the common seal, or shall offer to dispose of any such forged, counterfeited or altered policy, or other instrument under the common seal, knowing the same to be such, or shall demand the money appearing to be due thereon from the said corporation, every such person or persons offending, and being convicted thereof in due form of law, shall suffer the pains and penalties inflicted by law upon persons guilty of forgery within this province.

9. It shall not be lawful for the said corporation, nor for any person in trust for the said corporation, to have, take, hold or enjoy any lands or tenements within this province; and all gifts, grants or devises of lands or tenements to the said corporation, or to any person in trust for or to the use of the said corporation, shall be, and the same are hereby declared void.

10. No person shall hold more than two shares out of the one hundred shares in which the whole capital stock of the said corporation is divided.

11. It shall not be lawful for any other company or corporation, as such, within the province of Nova Scotia, to make or effect insurances upon houses, buildings, stores, goods, wares and merchandize, except insurance upon vessels and merchandize on board such vessels, save only the persons so incorporated as aforesaid, during the term of twenty-one years from the date of such letters patent, if such patent be not sooner annulled or revoked as aforesaid.

12. The said letters patent shall continue for the term of twenty-one years, and no longer, unless the same shall be determined in manner and for the cause hereinbefore expressed.

Corporation not allowed to hold lands or tenements.

Number of shares to be held by one person.

Exclusive privilege secured.

Duration of letters patent.

3 Win 4, chap. 44. AN ACT RELATING TO THE HALIFAX FIRE INSURANCE COMPANY.

Passed 20th April, 1833.

Preamble.

Whereas by an act passed in the fifty-ninth year of the reign of his late majesty king George the third, entitled, an act for incorporating certain persons therein mentioned for insuring houses, buildings, goods, wares and merchandizes from loss and damage by fire, the governor, lieutenant governor or commander in chief for the time being, by letters patent under the great seal of the province, is authorized to incorporate certain persons in the said act named, as well as others their associates, to be a body, politic and corporate, by the name of "the Halifax fire insurance company," to continue for the term of twenty-one years and no longer, with certain powers, rights and privileges in the said act particularly set

forth; and whereas, in pursuance of such act, the said Halifax fire insurance company hath been incorporated, and hath now a large capital stock invested in the business of insurance from loss or damage by fire, and its operations have been highly beneficial to this province by preventing large sums of money from being sent out of this province to other countries for the purpose of effecting insurances, and it is therefore expedient to extend the term for which the said company is now incorporated:

1. *Be it therefore enacted, &c.*, That the said Halifax fire insurance company, and all the rights, privileges, powers and authorities therein vested, subsisting and being, and now held and enjoyed by the said company under and by virtue of the said recited act, and of the letters patent aforesaid, shall remain, continue and endure from and after the expiration of the said term of twenty-one years in the said act mentioned, for and during, and unto the full end and term of twenty-one years, in as full and ample a manner and to all intents and purposes as effectually as if the term of forty-two years had been originally inserted in the said act hereinbefore recited and mentioned, and the letters patent granted under and by virtue thereof.

2. From and after the passing of this act, it shall and may be lawful for any other company or corporation as such within this province, to make or effect any insurances upon houses, buildings, stores, goods, wares and merchandize, any clause, matter or thing either in the said recited act or in the letters patent granted by virtue thereof contained to the contrary notwithstanding.

Term of incorporation of company extended.

Exclusive right of company abrogated.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF ADDITIONAL
SHARES IN THE HALIFAX FIRE INSURANCE COMPANY.

5 Wm. 4, chap.
21.

Passed 19th February, 1835.

Whereas by the act passed in the fifty-ninth year of the reign of his late majesty king George the third, entitled, an act for incorporating certain persons therein mentioned, for insuring houses, buildings, goods, wares and merchandizes, from loss and damage by fire, the number of shares in the joint stock of the company incorporated by the said act, are limited to one hundred, and the capital or joint stock of the said company to the sum of fifty thousand pounds, and the said company, by the name of the Halifax fire insurance company, are thereby authorized to make insurance to the amount of one hundred and fifty thousand pounds and no more, unless authorized so to do, if the governor, lieutenant-governor or commander in chief for the time being, should, by and with the advice of his majesty's council, grant permission to the said corporation to make further insurances to the sum of fifty thousand pounds;

Preamble.

and whereas the said corporation having increased their capital or joint stock to the amount of sixty-six thousand six hundred and sixty-six pounds and upwards, the lieutenant-governor, by and with the advice of his majesty's council, has granted permission to the said corporation to make such further insurances to the said sum of fifty thousand pounds; and whereas the amount to which the said corporation is entitled to make insurances, has, notwithstanding such permission, been found to be insufficient to meet the demands for insurance, whereby insurances to a large amount have been made by foreign insurance companies, which have no capital in this province, and are not within that strict control of the legislature so necessary for the safety of the assured: and whereas, it is deemed advisable more widely to extend the advantages which may arise from an increased business of fire insurance, and to afford persons not now proprietors in the said corporation an opportunity to participate in the profits thereof, and it is, for the reasons before stated, expedient to extend and increase the number of shares and the amount of the capital and joint stock of such corporation:

Fifty additional
shares authorized

1. *Be it therefore enacted, &c.*, That from and after the passing of this act, it shall and may be lawful for the said corporation to increase and enlarge the number of shares in the capital and joint stock of the said corporation to the extent of fifty additional shares over and above the present existing shares, which shares shall be respectively of the like value and amount as the several shares now in existence are by law directed to be.

£100 of each share
to be invested, bal-
ance to be secu-
red.

2. Of the said additional shares, there shall be actually paid or deposited and invested, as in and by the said act is directed and appointed, at least the sum of one hundred pounds of each and every of the said shares respectively, and the remainder of the said several shares shall be secured by mortgages or bonds, as in the said act, and also in the charter of incorporation, is directed and prescribed.

Preamble.

And whereas the shares of the said corporation have materially increased in value since the original amount was paid in and has been deposited, as well from and by reason of the increased value and amount of the capital or joint stock of such corporation, as also from its extended business, and it is therefore just and reasonable that the said additional shares hereby created shall be sold at public auction:

Additional shares
to be sold at pub-
lic auction.

3. From time to time, as to the president and directors of the said corporation it shall seem expedient, and as the demand for insurances shall render increase of capital advisable in the said additional shares hereby authorized and established, or any number or portion thereof, shall and may be offered at public auction under the direction of the said president and directors, and upon such terms and under such regulations as they may appoint, and shall be sold to the highest bidder for the best price that can be obtained for the same, and the whole amount of the profit, advance or premium which shall or may be bid, offered and paid for the same, shall form part of the capital or joint stock, and shall be paid in,

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deposited and invested, together with the amount hereinbefore directed and required to be paid in on each share respectively in the same manner as by the said act hereinbefore mentioned is prescribed and directed : provided always that no person shall at any one time, either by purchase or otherwise, hold and own more than four shares in the capital and joint stock of the said corporation.

4. The persons who shall or may be and become the purchasers of any or either of the said shares respectively, shall, when and so soon as the amounts on such shares hereinbefore directed to be paid in, shall have been, together with the profit, advance or premium thereon, paid in and deposited, and the residue thereof secured, as is also hereinbefore prescribed and directed, be and be deemed and held to be shareholders of and in the said corporation, and be entitled to and invested with all the same powers, privileges and authorities, and liable to the same restrictions, except as is hereinbefore provided, that the purchasers of additional shares may hold four shares of the said joint stock, obligations and responsibility under the said act hereinbefore mentioned, and the act passed in the third year of his present majesty's reign, entitled, an act relating to the Halifax fire insurance company, or any act in amendment of or in addition to the said acts or either of the said acts respectively, or under the charter of incorporation or otherwise, in the same manner as if the said additional shares had severally formed part of the original capital or joint stock, and the names of the purchasers had been and were originally inserted and included in the said charter of incorporation.

Holders of new shares entitled to all the privileges of shareholders.

5. From time to time, as any number of the said additional shares may be sold as aforesaid, and when and so soon as the amounts thereof, with the profit, advance and premium thereon, shall have been paid in, deposited and secured as hereinbefore directed, it shall and may be lawful for the directors of the said corporation to extend and increase the amount of insurances to be effected by the said corporation over and above the said sum of two hundred thousand pounds, to any sum or amount not exceeding three times the aggregate amount of the said additional shares which shall or may be then actually sold, paid in, deposited and secured as aforesaid; and when and so soon as the whole of the said additional shares shall have been so sold, paid in, deposited and secured as hereinbefore prescribed, it shall and may be lawful for the said corporation to effect insurances to any amount not exceeding three hundred thousand pounds at any one time.

Insurances may be increased.

6. If the said corporation shall make or effect at any time insurances to any sum or amount exceeding that which by this act is authorized and permitted, then, and in such case, each member of the said corporation shall be and become individually and personally responsible for his or her proportion of the sum or sums which shall or may at any time be insured over and above the amount hereby then authorized and permitted to be insured by such corporation.

Proviso.

13 Vic., chap. 9. AN ACT TO INCORPORATE THE HALIFAX AND DARTMOUTH MUTUAL INSURANCE COMPANY.

Passed 28th March, 1850.

The Halifax and Dartmouth mutual insurance company incorporated.

1. *Be it enacted, &c.*—John Tempest, Richard McLearn, Henry Y. Mott, John Burton, George A. Blanchard, and all such other persons as shall become members of the corporation hereby established, their successors and assigns, are hereby erected into a company, and declared to be a body corporate, by the name of “the Halifax and Dartmouth mutual insurance company,” and by that name shall have succession and a common seal, and may sue and be sued, and shall have power to make insurances against loss or damage by fire on houses, buildings, goods, wares and merchandize, and from time to time to choose from among themselves, and appoint such officers and agents as the business of the company may require, to fix their compensation, and to define their duties and obligations, and to make bye-laws and ordinances, not contrary to the laws of the province, for the issuing of policies of insurance, the payment of premiums and assessments, the management of the property, the transfer of the stock, the regulation of the affairs, and the good rule and government of the corporation.

Persons insuring become members.

2. All persons in whose names property shall be insured in the company, shall thereby become members during the period that they may remain insured and no longer.

First meeting of the company.

3. The first meeting of the company shall be held in the city of Halifax, and may be called by any three of the persons named in this act, by giving notice in one of the newspapers printed in the city, at least one week previous to the meeting, and all persons declaring at such meeting their intention to insure with, and become members of the company, shall be deemed members thereof for the purposes of its organization.

Restriction on issue of policies, &c.

4. No policies of insurance shall be issued by the company until the sum of two thousand pounds has been paid in by the parties applying for insurance; and every policy shall of itself create a lien on the interest of the person insured, in any building thereby insured, and in the land under the same, for securing the payment of all losses or assessments to which such person would be liable under the sixth section of this act: provided the extent of such liability, and the intention of the corporation to rely upon such lien shall be set forth in the policy; and that upon the expiration of the policy, or upon the alienation of the estate to a bona fide purchaser, the lien shall cease as to all losses which shall thereafter happen, unless the policy shall continue in force by consent of the purchaser.

Proviso.

Capital of company.

5. The ordinary capital of the company shall consist of the sums paid in for insurance, but payment of losses shall be further secured as provided in the next section:

6. In case the paid in capital of the company shall be found insufficient to meet losses, each member shall be liable to contribute his proportionate share of the deficiency, so as not to exceed twice the amount of premium paid by him on property then insured—which sum, if not paid when ascertained and required by the directors, shall be levied by warrant of distress upon his goods and chattels, to be issued by, and in the name of the president of the company.

Liability of members.

7. Nothing in this act contained shall authorize the company to engage in any banking operation, or in lending money by way of discount, or in effecting marine insurances or insurances upon lives.

Not to authorize banking operations.

8. This act shall expire unless the company go into operation within three years from the passing hereof.

To expire unless acted on in three years.

AN ACT TO INCORPORATE A MARINE INSURANCE COMPANY IN
HALIFAX.

6 Wm. 4, chap. 7.

Passed 19th February, 1835.

Whereas the establishment of a company at Halifax for making assurances on ships, goods and freight, against the perils and dangers of the seas and navigation whatsoever, will be advantageous to the commerce of the province. And whereas the several persons hereinafter named, with divers others, have entered into a subscription to raise in shares such sum as may be requisite as a joint stock or fund for said purposes:

Preamble.

1. *Be it enacted, &c.*, That William Pryor, John Williamson, Lawrence Hartshorne, Edward Cunard, William Anderson Black, James G. A. Creighton, James Leishman, Joseph Starr, James Tremain, John Albro, William B. Fairbanks and William Saltus, and all and every such other person and persons as shall from time to time become proprietors of shares in the company and undertaking hereby established, as hereinafter is mentioned, and their respective successors, executors, administrators and assigns, shall henceforth be, and they are hereby united into a company, and declared to be one body, politic and corporate, by the name of "the Nova Scotia Marine Insurance Company," and by that name shall have perpetual succession and a common seal, with power the same seal to change, alter, break, and make new, as to the company shall seem fit, and by that name also shall and may sue and be sued, plead or be impleaded, at law or in equity, and shall and may prefer and prosecute any bill or bills of indictment against any person or persons who shall commit any felony, misdemeanour, or other offence by law indictable, and shall by that name be capable, autho-

Company incorporated by name of "Nova Scotia marine insurance company."

Restriction on
purchase of lands,
houses, &c., for
offices.

Capital or joint
stock to be raised
and divided into
shares.

Registration of
shares.

rized, and empowered to purchase, have, hold, receive, possess and enjoy, lands, messuages, houses, hereditaments and real estates, whatsoever, within this province, either in fee simple, or for term of life or lives, or years, or in any other manner, but not exceeding in value thirty thousand pounds, and likewise monies, securities for money, goods, chattles, effects, and other things of whatsoever kind or quality, and shall by that name, and in their corporate capacity, be capable, authorized and empowered to give, grant, sell, assign, mortgage, demise, absolutely or conditionally, or otherwise dispose of, all or any part of such real and personal estate and property as aforesaid, as to the said company shall seem meet, and at their free will and pleasure: provided always, that the purchase money of the lands, messuages, houses or real estate, requisite for the offices and buildings for the business of the company, and the expenditure for the erection of such offices and buildings shall not exceed the sum of two thousand pounds, unless to replace the same or to repair damages sustained by the accidental destruction thereof, a larger expenditure shall become necessary.

2. It shall be lawful for the said company and the subscribers thereto or shareholders therein, to raise or contribute among themselves in such proportions as they shall think proper for carrying on the business of marine insurance, an original capital or joint stock of twenty thousand pounds, and at any future time an additional capital or joint stock not exceeding ten thousand pounds, and the same original capital shall be divided into four hundred shares of fifty pounds each, and any additional capital into shares of the like denomination; and all such shares shall be numbered in regular progression, and every such share shall always be distinguished by the number affixed thereto; and the said shares shall be, and are hereby vested in the several persons so raising and contributing the same, and their several and respective executors, administrators and assigns, proportionably to the sum they shall severally raise and contribute—and all persons, their several and respective executors, administrators and assigns, who shall severally subscribe for one or more share or shares, or such sum or sums of money as shall be demanded in lieu thereof for the purposes of the said company, shall bear and pay, in the manner hereinafter directed, an equal and proportionable sum according to his or their number of shares towards carrying on the business of the said company; and shall be entitled to and receive, according to the number of shares so held and money so by him or them respectively paid, distribution of an equal and proportional part of the net profits and advantages that shall or may arise or accrue from the business and transactions of the said company.

3. The names and designations of the several persons who have subscribed for, or may at any time hereafter subscribe for or be entitled to a share or shares in the said company, with the respective number of such shares, and also the proper number by which every share shall be distinguished, shall be distinctly and

clearly entered into the books for the registration thereof, and to be called the registry of shares, to be kept by the secretary, broker or brokers of said company, and after such entry, a certificate under the seal of the company, and signed by such officer as shall be appointed for this purpose, shall be delivered to every proprietor upon demand, specifying the share or shares to which such proprietor is entitled in the said company, and such registry or the certificate of a share shall be evidence of the property or ownership thereof, but the want of such certificate shall not hinder or prevent the owner of any such shares from selling or disposing thereof.

Certificate of shares to be granted.

4. The several persons who become subscribers toward the said undertaking shall, and they are hereby required to pay the sum of money by them respectively subscribed, or such parts or proportions as from time to time shall be called for as hereinafter is mentioned, at such times and places as shall be directed, in pursuance of the provisions of this act; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said company to sue for and recover the same in any court of law or equity or otherwise, for the board of directors hereinafter established, at their option, to declare the share of any such defaulter forfeited as in and by the bye-laws shall be provided.

Payment of shares.

5. All the shares in the original or increased capital of the said company and in the undertaking for which it is established, and in the profits thereof, shall be and be deemed personal estate, and as such personal estate shall be assigned and transmissible accordingly—but no share shall be divisible or divided or assigned in parts, and the several shareholders or subscribers to the said undertaking respectively, and their several and respective executors, administrators and assigns shall not be liable to any debts of, or demands against the said company beyond the amount of their several and respective subscriptions or the shares they may respectively hold or possess in the said company, nor under any calls or assessments to be made by the said company or board of directors, or in any way, by any means, nor on any pretence whatsoever, be liable to the payment of any greater sum of money in the whole than the sum of fifty pounds on or for each several share subscribed for or held by or standing in the name of such subscriber or shareholder at the time of ordering any call or assessment; and that the said sum of fifty pounds shall include all the calls and payments to be made on one share, and that no greater sum than fifty pounds in the whole shall be paid on any one share in the said company.

Shares deemed personal estate, and transferable.

Liability of share holders.

6. The said joint stock and real and personal estate of the said corporation shall be liable for, and subject to the payment of all debts contracted by the said company, and that none of the present or future members of the said company shall be liable for the payment of any debt contracted beyond the amount of the calls or assessments due and unpaid on the shares of the stock held by such individual member.

Joint stock liable for debts of company.

Payment of original shares.

Proviso.

Bonds taken for residue.

Payment of shares of increased capital.

Management of company vested in certain officers.

Eligibility of directors.

7. The said original capital of twenty thousand pounds shall be paid and contributed in and by the following calls or payments, that is to say—the first call or payment being the sum of twenty-five pounds for and upon each and every share subscribed for, shall be paid within thirty days after public notice is given by the board of directors, in two of the Halifax newspapers, that the same is required; and that all other subsequent calls or payments shall be in such sums, and at such times, as the board of directors, having reference to the state of the business and affairs of the company, shall order and direct: provided always, that of the day to be hereafter appointed respectively for any subsequent call or payment, notice shall be given by advertisements, published in at least two of the Halifax papers, thirty days at the least previous to such day; and all the said calls or payments shall be made by the proprietor of every share in such coin or money as at the time of such payment shall be a legal tender in this province.

8. Every subscriber to, or shareholder in the said company shall, at or before the time appointed for the payment of the first call, make, execute, and deliver to the said company, a bond, with sufficient surety or sureties, or other satisfactory security or securities, and conditioned for the payment of the residue of the calls to become due and payable as aforesaid, on the several shares by him subscribed and taken in the said company—which bond or securities shall be subject to the approval of the first nine persons named in this act, until the board of directors shall be chosen, and afterwards to the approval of such board.

9. All shares in any increased capital shall be paid and payable in such proportion, and at such times as the board of directors shall appoint, and such and the like securities as are hereinbefore required for the payment of the future calls of the original capital, shall be taken from the subscribers for shares in any future increased capital of the said company.

10. The management and regulation of the affairs and business of the said company shall be conducted by and vested in a board of directors, to consist of a president and twelve directors, and that the necessary officers of the said company shall be, and at all times, except in case of vacancies arising from death, resignation, or otherwise, shall consist of one president, twelve directors, a secretary, broker or brokers, and two auditors or examiners of the accounts of the company, and such other officers and servants as the company shall think proper to constitute and appoint, for the better management and conducting the business thereof; and that the several powers, authorities, duties, rights and privileges of such president, directors, secretary, broker or brokers, auditors, and other officers and servants of the said company so to be appointed, shall be as in and by this act is or by the bye-laws of the company shall hereafter be prescribed and established.

11. No shareholder in the said company shall be qualified to be elected or to sit or act as president, or one of the directors of

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the same, unless he shall, at the day of election, bona fide hold and possess, and during the time that he or they shall continue to be such president and directors, continue to hold and be possessed of three shares at the least of the joint stock of the said company, nor unless if chosen at any election occurring after eighteen months from the passing of this act, the said number of shares shall have stood in his name on the books during six calendar months before the day of election.

12. The annual general meeting of the said company shall be held in the month of January, in every year after this present year, and at such day and place as the board of directors shall appoint, and that special meetings of the company shall be summoned by the directors, when they shall deem the same necessary, or whensoever a requisition therefor, in writing, shall be delivered to the board, signed by twenty shareholders, owning not less than one hundred shares, and specifying the object of such meeting, and that meetings of the board of directors shall be held at the office of the company at least three days in every week, and at such other times as the directors shall think proper, or as the business of the company may require: provided always, that notice of the day appointed for the annual or any general or special meeting of the company, shall be given by an advertisement, published at least thirty days previous thereto, in two of the public newspapers in Halifax.

13. At every annual, general and special meeting of the company, every proprietor or shareholder, having paid up all calls on him made, and then due and payable, shall be entitled to vote, according to the number of shares which any such proprietor or shareholder may possess in the company, in manner following, that is to say—the owner of one share shall be entitled to one vote, the owner of four shares, two votes, the owner of eight shares, three votes, the owner of twelve shares, four votes, the owner of sixteen shares, five votes, the owner of twenty shares, six votes, the owner of twenty-five shares, seven votes, the owner of thirty shares, eight votes, the owner of thirty-five shares, nine votes, the owner of forty shares and upwards, ten votes—and may give such vote or votes by his or her proxy, duly constituted, according to the by-laws, such proxy being a shareholder, entitled to vote; and every such vote by proxy shall be as good and sufficient to all intents and purposes as if such principal had voted in person, and whenever any share shall be held by more than one person, then the person present at the meeting, he who stands first on the registry, or is first named on the stock certificate, shall vote therefor, and at every meeting of the board of directors, each director shall have one vote only, and every question, matter or thing, which shall be proposed, discussed or considered, at any general or special meeting of the company, shall be determined by a majority of the votes and proxies then given; and every question, matter or thing, which shall be proposed, discussed or considered, at any meeting of the

Annual and special meetings of company.

Shareholders entitled to vote according to number of shares held by them.

board of directors, shall be determined by the majority of votes then given by the directors then present—and in case it should happen, that at any general or special meeting of the company, or meeting of the board of directors, the votes shall be equal, then the president of the company, or in his absence, the chairman of the meeting or of the board, shall be entitled to a casting vote, upon the matters under discussion, besides and in addition to his own personal vote, unless such right to a casting vote shall be abrogated by the bye-laws hereafter to be made.

Attendance of 20
proprietors requi-
site at meetings.

Chairman of
meetings.

Record of procee-
dings of meetings
to be kept.

Notice to be given
when subscription
book will be open-
ed.

14. No annual or special meeting of the company shall be held unless there be present thereat, and at the giving of the votes, at least twenty proprietors, holding at least two hundred shares in the said company, and at every such annual, general or special meeting of the company, the president of the company, or in his absence the senior director present, or in the absence of all the directors, one of the proprietors, to be chosen at such meetings respectively, shall be chairman of such meeting or meetings respectively; and that if at any day appointed for such meetings of the company, a sufficient number of shareholders shall not attend within one hour after the time appointed for the meeting, then and in every such case, the meeting shall be adjourned until the next or some future day, by the president or senior director, or if no director be present, by the secretary, broker or brokers of the company, as the case may be, or by such person as may attend in his or their place.

15. The orders and proceedings of every general or special meeting of the company shall be entered by the secretary, broker or brokers of the company, or such other person as shall attend in his or their place, in a book or books to be kept for that purpose, and shall then be signed by the president or chairman of the meeting, and, being so entered and signed, shall be taken and deemed to be the original orders and proceedings of such meeting, and shall be received as such upon due proof thereof in all courts and places, and on all occasions whatsoever.

16. The five persons first named in this act, shall as soon as conveniently may be, after the passing hereof, by an advertisement to be published in at least three of the newspapers printed in Halifax, give notice that subscription books for taking shares in the said company will be opened on a day and at a certain place to be mentioned, and shall then and there open proper books for the purpose, and therein receive and take the subscriptions of all persons who shall be willing and desirous to become proprietors of shares in, and members of, said company, and make an entry of the number of shares taken by each subscriber, and by the persons in this act named respectively, and shall not, during the space of sixty days from the day so to be appointed, permit any individual to subscribe or take, nor shall themselves take, any greater number than ten shares therein, nor until the said sixty days are elapsed shall any person hold a greater number than ten shares, and if the whole of the said four hundred shares shall not have been subscribed within the said sixty

days, then and in such case it shall be lawful for any shareholder or shareholders to increase his, her or their shares, as he, she or they may think proper, and when and so soon as the first payments of the said shares so taken become due, the said five first named persons shall receive the same, and shall also demand and take, for and on behalf of the company, such securities as are hereinbefore directed to be taken for the payment of the future calls to be made on the said shares respectively: provided always, that if the number of four hundred shares shall not be subscribed for and taken, within twelve months after the passing of this act, then the said securities shall be given up to the parties executing the same, and the first call paid on the respective shares shall be repaid to the respective subscribers, deducting only therefrom a proportional share of any expenses to be incurred in the matters aforesaid.

Number of shares to be taken by one individual.

Proviso.

17. So soon as the number of four hundred shares of the said original capital of twenty thousand pounds shall have been subscribed, the said five persons first named in this act shall, by public advertisement, to be printed in at least two of the newspapers at Halifax, during twenty days, appoint a day and place for the first general meeting of the subscribers, and shall assemble such meeting, and a chairman thereof being chosen from among the subscribers present, with a secretary, broker or brokers, the company hereby incorporated shall be formed and organized, and go into operation under this act, and the said subscribers, then and there present, or their proxies, shall and may forthwith, in the manner in this act prescribed, proceed to elect a president and twelve directors for the said company, and a secretary, broker or brokers, auditors and such other officers as may be deemed expedient for the business thereof, and therefrom the persons so elected shall be, and become forthwith, the officers of the said company; and the said president and directors shall constitute the board of directors thereof; and the said president shall remain in office until by a vote of some annual or special meeting his office shall be declared vacant, and a new president be chosen and appointed, to enter on his office on some day by such resolutions to be specified, and the said directors and other persons so to be elected shall hold, exercise and enjoy, and retain their respective offices from the day of such their election, until the annual general meeting in January, one thousand eight hundred and thirty-six, and thence, continually, until a new choice of officers be made by the company pursuant to this act and the bye-laws in that behalf to be provided.

Shares not taken within 12 months.

When shares are taken, meeting to be called, and officers elected.

18. On the third Monday of January, in each year, the directors of the said company, for the then ensuing year, shall be elected by ballot, in the following manner, viz: the shareholder shall first elect eight directors for the then ensuing year, out of the twelve directors who have served for the preceding year, and shall then elect four other directors from the shareholders from the company qualified to become directors: provided always that it shall and may be lawful for the said shareholders to re-elect the four persons

Board of directors to be established.

who were directors the preceding year, if they shall think proper so to do.

Election of officers
on vacancies oc-
curring.

19. The office of the president or directors, secretary, broker or brokers, or auditors of the company, shall become, and may by the board be declared vacant on the death, resignation, three months' absence or permanent removal of such officer from the province, by his ceasing to hold the number of shares required as a qualification, or by a vote of the general meeting of the stockholders removing the officer for misconduct or malversation in office; and every such vacancy, except in the office of president, shall be filled up by the choice of a shareholder, to be made by the board of directors, and who shall serve until the annual meeting, and at every such annual meeting qualified persons shall be elected to supply the place of those officers who are as aforesaid to go out of office on the third Monday of January annually after the present year, or whose offices have been vacated as aforesaid; and all officers elected at the annual meeting shall enter upon their offices on the third Monday of January in every year after the present year: provided always that any director or other officer so going out of office shall be capable of being re-elected by the company.

When company
may commence
operations.

20. When and so soon as the sum of ten thousand pounds, being one half part of the original capital or joint stock of said company, shall have been actually paid to the proper persons in manner before provided upon the calls aforesaid by the several proprietors of shares, and sufficient securities shall have been given by said proprietors for any balances of their shares, then and in that case it shall and may be lawful for the board of directors, by public advertisement, to be printed in at least two of the newspapers in Halifax, to declare the same and make known the intention of the company, to transact the business of marine insurance, and to fix the time when their office will be open for such business; and thereupon the said company shall and may, at the day so named, commence and carry on in their office in Halifax or elsewhere in this province, the business and operations of marine insurance in all its branches, and shall and may receive and accept orders, directions and proposals for insurances, and make insurance upon all ships and vessels whatsoever in port or at sea, or for and upon any voyages or adventures whatsoever, and for and upon all goods, merchandize, property and effects whatsoever, and all money, coins, bullion or other valuable things whatsoever in and upon any such ship laden or to be laden, and in and upon the freight of goods or merchandize carried or to be carried upon any ship or vessel or on any voyage whatsoever; and also upon monies lent or advanced upon bottomry or respondentia, and upon expected profits and commissions or adventures by sea, and upon all subjects of marine insurance whatsoever; and the same shall and may insure against all losses, perils and dangers whatsoever of the seas, fire, enemies, thieves and other risks of the seas and navigation usually insured against by underwriters, and either for or during the respective

voyage or any time or times whatsoever; and shall and may agree for, fix and establish the premiums and compensations to them to be paid for such insurances, and shall and may make and execute all such writings and policies of insurance, and with and under such reservations and conditions as shall be agreed upon or ordered by the board, and shall and may accept, receive and take the abandonment, relinquishment and surrender of any ship or vessel to said company abandoned under any such insurance, and shall and may adjust and settle all claims and demands for losses for and in respect of any such insurances or of any orders therefor to the said company given, and generally shall and may perform and transact all matters and things whatsoever relating to the business of an insurance broker and insurer or underwriters on ships or goods belonging or appertaining, and to all intents and purposes whatsoever.

21. All orders and directions for such insurance to the said company given and by them accepted, and all policies of insurance by the said company made and sealed with the common seal thereof, and signed by the president of the company or any chairman of the board of directors, and countersigned by the secretary, broker or brokers of the company, shall be binding and obligatory upon the said company, and all the joint stock, capital, funds, property and effects thereof whatsoever, and the amount by such policies insured, and which, upon adjustment of any loss, is or ought to be payable to the assured, thereupon, shall be faithfully and truly paid and satisfied within sixty days from the time of such loss settled or adjusted: provided always that until the expiration of two years from the constitution of the said company as aforesaid no greater sum than three thousand pounds, and after the said two years expired no greater sum than five thousand pounds shall be insured by the said company, and be at risk at any one time upon any one ship or vessel, or upon any goods, wares or merchandize on board thereof, or upon any freight by such vessel to be earned, or commission or profits expected to arise during the voyage insured or from the cargo on board thereof, or upon any security of the nature of a mortgage or bottomry or respondentia given for or upon such vessel, her cargo or freight; but the several insurances made upon the several risks in or depending on any one vessel, may collectively amount to any sum not exceeding three thousand pounds during the first two years, and five thousand pounds afterwards.

22. The affairs and business of the said company shall be managed and transacted by the board of directors thereof, of whom three directors, with the president, or in case of his sickness or absence, four directors, one of whom being chairman of the meeting, shall constitute a meeting, and the said board of directors for the time being shall have full powers and authority to meet and adjourn from time to time and from place to place as they shall see fit; and also to direct, manage and conduct, with the assistance of the secretary, broker or brokers, all the affairs and business of the com-

Validity of policies
and extent of in-
surance.

Restriction as to
amount.

Affairs of compa-
ny, by whom ma-
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pany, and the taking and accepting orders for insurance, fixing the premium therefor—executing, sealing and delivering policies of marine insurance—adjusting, settling, paying or compromising for losses claimed under policies—procuring, purchasing or obtaining suitable buildings, offices and places for the business of the said company and fitting the same with all things necessary therefor, and investing the funds and taking securities for the monies of or debts due to the said company upon public or private stocks or real or personal securities, and making and carrying into effect all contracts and bargains touching the said company and the affairs thereof, but subject nevertheless to such orders, bye-laws, rules and regulations as at any time shall be duly made by the said company in restraint, control or regulation of the powers and authorities hereby vested in the said board of directors.

Compensation to
officers of compa-
ny.

23. It shall be lawful for the said board of directors to allow and pay to the secretary, broker or brokers, and any other officer and servants of the company, such compensation and allowances as may be reasonable or agreed upon, and to the president such compensation as the company at any general meeting shall order for his services; but the said directors and auditors shall not be entitled to take or receive any payment or remuneration whatsoever for their services respectively.

Surplus funds and
capital stock, how
to be invested

24. The surplus funds remaining from dividends, and the capital stock of the said company, from time to time, as the same shall be paid in and collected, and all surplus of monies received, shall be kept constantly invested on good real or personal securities, or in the public funds at interest, in the name of the company, but no part thereof shall, beyond the sum absolutely necessary for procuring the necessary buildings, offices and accommodations of the company's business, be invested in fixed property, or lent or advanced on bottomry or respondentia, or on mortgages of ships or vessels, or real estate: provided always, that for and as an additional security for debts, previously contracted with the company, mortgages of real or personal property may be made to and held by the company; and provided also, that mortgage interests in ships, vessels or goods, may be insured thereby, nor shall the said funds be used or employed in merchandize, nor shall the company trade or carry on business as merchants, or deal in buying or selling goods or personal property whatsoever, nor shall any dividend be made on any pretence of the capital or joint stock of the company, or whereby the same shall be in any way reduced or impaired.

Books of company
when to be bal-
anced.

25. The said board of directors shall have power and authority, and they are hereby strictly required to cause to be balanced the books of the said company on the last day of December, one thousand eight hundred and thirty-six, or at such other period as any general meeting shall require, and the same being so balanced, shall be carefully examined and signed by the said auditors, and approved by the board of directors, and an abstract of the said balance, show-

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ing clearly and explicitly the state of the debts and credits of the said company, and shewing how many and what part of the insurances made by the company are determined, or remain undetermined and at risk, and what claims for losses are unsettled, and what deductions or allowances ought to be made thereupon; and also shewing how and in what manner the capital stock of the company is invested or disposed of, and what sums of money are due to the company, and also stating such further particulars as by the bye-laws and regulations of the company shall be required, shall be produced by them at the annual general meeting for the inspection of the proprietors, and a duplicate thereof, in like manner signed and attested, shall be transmitted to the office of the secretary of the province, for the lieutenant-governor, and his majesty's council, and of the general assembly.

26. The books, papers and correspondence, and all other documents and writings of the company, shall at all times be open to the members of the board of directors, and shall be subject to the order and disposal of the board; but the rendering such accounts as aforesaid to the general meeting, shall not be construed to confer on any proprietor, not a director or auditor, the right to inspect in the books of the company the account of any individual, other than himself, with the said company.

27. At every annual meeting or some adjournment thereof, there shall be made out of the clear residue of the profits and advantages, rents, premiums and interest, to the said company accrued, or by the same previously made, [after deducting therefrom an allowance sufficient to discharge the outstanding and probable claims against the company, such dividend or dividends as the proprietors at such meeting shall order and direct, and such dividend or dividends shall be at and after the rate of so much for every share held by the members thereof, their executors, administrators or assigns, or else the said clear residue, or some part thereof, shall be directed to accumulate and be added to the capital stock: provided always, that the monies received or securities taken for the premiums of insurance, undetermined and outstanding on the last day of December, one thousand eight hundred thirty-six, and in each year thereafter, shall not be deemed to be part of such profits; and provided always, that until after three years no dividend of more than five per cent. per annum on each share shall be made.

28. If at the annual meeting in January, one thousand eight hundred and thirty-eight, or at any subsequent annual meeting, the net surplus and profits of the company, from the business of the year then next preceding such meeting, shall suffice to make therefrom a dividend of more than five per cent. per annum, but less than ten per cent. per annum, or more than ten pounds, and less than fifteen pounds per cent., or more than fifteen pounds, and less than twenty pounds per cent., and so in the like proportion for every share in the company, then in each and every such case, all

Abstract to be
submitted to go-
vernor, council
and assembly.

Books of company
subject to inspec-
tion by directors.

Dividends.

Surplus of divi-
dends.

surplus and excess of profits, more than sufficient to make the respective dividends of five, ten, fifteen or twenty pounds, and so in the like proportion per cent., but not sufficient to increase such dividends by the full sum of five pounds per cent. respectively, shall be added to and form part of the capital or joint stock of the company, and shall not be the subject of any dividend.

Company empowered to make rules, bye-laws, &c.

29. The said company shall have full power and authority from time to time, at the first or any of the general meetings as aforesaid, to make, ordain and put in execution, such rules, orders and bye-laws, as to them shall seem meet and proper, for regulating the proceedings of the company, the transfer, forfeiture and registration of shares, the enforcing payment of calls, the proceedings of the board of directors, the transaction of the business of the company, the government and regulation of all the officers and servants of the company, and for the superintendence and management of the affairs of the company in all respects whatsoever, and from time to time to alter and repeal such rules, orders and bye-laws, or any of them, and to make others, as to the shareholders of the company, at a general meeting, shall seem meet and expedient; and all rules, orders and bye-laws so made as aforesaid, being reduced into writing, and signed by the chairman present at any such meeting, and sealed with the seal of the company, shall in all or in any court of law or equity, be deemed and taken to be the rules, orders and bye-laws of such company: provided always, that such rules, orders and bye-laws, be not repugnant to the laws of the province, or to the laws in force within the same, or to the express directions and provisions of this act; and provided also, that no bye-law of the said company and no repeal of any bye-law, shall be in force, or executed, until the same respectively is approved by the lieutenant-governor and his majesty's council.

Governor may order inspection of books of company.

30. The books and accounts of the said company shall at all times be open to the examination of such person or persons as the lieutenant-governor for the time being, with the advice of his majesty's council, shall appoint to inspect the same, and that before any policy of insurance shall be issued by the said company, the mode and securities, in and upon which the surplus capital stock of the company shall have been invested, shall be first sanctioned and approved by the lieutenant-governor for the time being.

Course to be pursued should capital of company be wholly expended

31. If it shall happen that by or in consequence of any losses or misfortunes, or other means whatsoever, the original or increased capital and joint stock of the company shall at any time be wholly expended, or claims against the company shall be outstanding and unsettled to an amount equal to the existing and available capital and funds of the company, then as soon as the same shall be known to or ascertained by the president or board of directors, it shall not be lawful for the company to make, or for the said board to accept orders for, or sign or issue any new or further insurances or policies therefor whatsoever; and if any such further insurances shall be made, or policies therefor be signed or issued

after such knowledge of the state of the affairs of the company had by the president or directors or any of them, then for and upon all losses and monies payable for losses under such insurances, and policies so issued and signed, the said president and each of the said directors who shall accept or make such insurances, or authorize or sign the same policies, shall be personally, and in their estates jointly and severally liable and accountable to the full amount of such losses, and all charges incident thereto.

32. Upon the happening of any such losses or misfortunes as last mentioned, to the extent of the said capital and funds, or upon the vote of three-fourths in number of the proprietors in the said company, holding at least three-fourths of the whole number of shares in the said company, it shall be lawful for the said proprietors to dissolve the said company, and to declare that the same shall cease on a day to be fixed, and therefrom the said company on that day shall cease and determine; but the board of directors and officers of the company shall continue in office during such time as shall be required for winding up the affairs and business of the company, and all corporate powers for this purpose necessary and requisite, shall subsist and remain in force until the whole of its affairs shall be fully settled and closed, and the board of directors for the time being shall and are hereby required to adopt the most immediate and effectual measures for settling, winding up and closing all the accounts, affairs and business of the company—ascertaining, adjusting and paying the demands against the same—collecting the debts due, and converting the capital and property of the company into money, and for dividing and paying to and among the shareholders and proprietors entitled thereto, the whole net proceeds of the same according to their respective shares and interest in the said company.

Dissolution of company.

33. In case any loss or deficiency of the capital stock of the said corporation shall occur, from the official mismanagement of the directors of the said company, the persons who are stockholders at the time of such mismanagement shall, in their private and individual capacities, be respectively liable to pay the same: provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him, in addition to the stock so held by him.

Liability of stock holders.

34. This act shall continue for the term of twenty-one years, and no longer, unless the same shall be determined in the manner hereinbefore expressed.

Continuation of act.

6 Wm. 4, chap. 9.

AN ACT TO AMEND THE ACT TO INCORPORATE A MARINE INSURANCE COMPANY IN HALIFAX.

Passed 12th March, 1836.

Preamble.

Whereas in and by the twenty-fourth clause of the act, passed in the last session of the general assembly, entitled, an act to incorporate a marine insurance company in Halifax, it is enacted, that the surplus funds remaining from dividends and the capital stock of the said company, from time to time as the same shall be paid in and collected, and all surplus of monies received, shall be kept constantly invested on good real or personal securities, or in the public funds at interest, in the name of the company, but no part thereof shall, beyond the sum absolutely necessary for procuring the necessary buildings, offices and accommodations of the company's business, be invested in fixed property, or lent or advanced on bottomry or respondentia, or on mortgages of ships or vessels, or real estate: provided always, that for and as an additional security for debts previously contracted with the company, mortgages of real or personal property may be made to and held by the company. And whereas difficulties have arisen in the investment of the capital stock and surplus monies of the said company, under the above recited clause, on real securities, though the same may be only intended to accompany, and as collateral and auxiliary to good personal security from the operation of the proviso to the said recited clause being limited to debts antecedently contracted, and not extending to cotemporaneous securities, whereby the said capital stock and surplus monies will be rendered unprofitable and remain uninvested;

Company may
take mortgage on
real estate.

1. *Be it therefore enacted &c.*, That hereafter it shall and may be lawful for the president and directors of the said company, to receive and take as and for a collateral security, and as accompanying and auxiliary to the bond or note or other personal security of the borrower of any part of the capital stock or surplus monies of the said company, a mortgage upon real estate, provided always that such mortgage, together with such bond or note or other personal security, shall be taken in the name of the said company, and shall be in all cases such as the said directors shall consider an ample security for the sum of money so borrowed from the capital stock or funds of the said company.

And whereas the number of shares held by the proprietors present at any annual or special meeting of the company requisite to constitute such meeting under the fourteenth clause of the said act has been found to be too numerous and to be inconvenient:

Members necessary
to compose annual
or special
meetings.

2. Hereafter it shall and may be lawful for any annual or special meeting of the said company, to be held when twenty members shall be present, holding at least one hundred and twenty shares

in the said company instead of two hundred shares, as in and by the said fourteenth clause of the said act is required.

And whereas the said company having been in operation since the month of May, in the year of our Lord one thousand eight hundred and thirty-five, and at the annual meeting of the said company held in January in this present year no dividend was declared or made of the surplus funds and profits received from premiums or otherwise, and in consequence thereof no dividend can be declared under the said act until the annual meeting of the said company, which will take place in the month of January, in the year of our Lord one thousand eight hundred and thirty-seven, and it is therefore expedient to permit a larger dividend to be made of the profits of said company than five per cent. :

3. At the annual meeting of the said company, which shall take place in January, in the year of our Lord one thousand eight hundred and thirty-seven, or at any annual meeting of the said company thereafter, it shall and may be lawful to make out of the clear residue of the profits and advantages, rents, premiums and interest to the said company accrued, or by the same previously made, after deducting therefrom an allowance sufficient to discharge the outstanding and probable claims against the company, such dividend or dividends as the proprietors at such meeting shall order and direct, notwithstanding the same may be over five per cent. per annum : provided always that save and except as to the amount of such dividend all the requisites of the twenty-seventh and twenty-eighth clauses of the said act hereby amended shall be observed and followed.

Dividends.

And whereas it is expedient that the said company should be authorized to effect insurances to a larger amount than three thousand pounds :

4. During the remainder of the two years next following, and after the constitution of the said company, the said company shall and may take and insure upon any one ship or vessel or upon any goods, wares and merchandize on board thereof, or upon any freight by such vessel to be earned, or commission or profits expected to arise during the voyage insured, or from the cargo on board thereof, or upon any security of the nature of a mortgage, or bottomry, or respondentia, given for or upon such vessel, her cargo or freight, any sum not exceeding in the whole upon the several insurances made upon the several risks in or depending upon any one vessel taken collectively the sum of four thousand pounds.

Amount of insurances extended.

7 Wm. 4, chap. 20. AN ACT FURTHER TO AMEND THE ACT TO INCORPORATE A MARINE INSURANCE COMPANY IN HALIFAX.

Preamble.

Passed 27th March, 1837.

Whereas the liability of shareholders in the Nova Scotia marine insurance company, incorporated by an act passed in the fifth year of the reign of king William the fourth, entitled, an act to incorporate a marine insurance company at Halifax, is limited and restricted to the amount of the capital stock held by such shareholders respectively, unless in case of any loss or deficiency of the capital stock of the said corporation occurring from the official mismanagement of the directors of the said company, when the individual responsibility of each shareholder is extended to such further amount as the amount held by such shareholder may be in addition to the amount of such stock; and whereas it would tend to the better security of the public, and further assure the stability of the said corporation, that the same responsibility of the individual shareholders should be extended to cases of loss or deficiency of capital, whether arising from mismanagement as aforesaid, or from any other cause.

Liability of share holders.

1. *Be it therefore enacted, &c.,* That in case of any loss or deficiency which shall or may hereafter arise or occur in the capital or joint stock of the said corporation, whether arising from the official mismanagement of the directors of the said company, or from any other cause whatsoever, the persons who are or may be shareholders in such company at the time of any such loss or deficiency so occurring as aforesaid, shall, in their private individual capacities, be respectively liable to make good any such loss or deficiency so far as may be requisite or necessary to pay off and discharge any claims or demands against the said corporation then existing; provided always, that in no case shall any one shareholder be liable to pay a sum exceeding the amount of the stock then actually held by such shareholder, in addition to the stock so held by him.

Proviso.

Preamble.

And whereas, although the present number of shareholders in the said corporation is one hundred and twenty-nine persons, actually and bona fide holding shares therein, yet the limitation of the number of shares to be held by any one shareholder of the said corporation is deemed advisable:

Limitation of shares to be held by shareholders.

2. No person now a shareholder in the said corporation, who holds less than ten shares therein, nor any person who may hereafter become a shareholder in the said corporation, shall purchase, obtain, retain or hold, or be entitled to purchase, obtain, retain or hold, more than ten shares in the said corporation; and no person holding ten shares or upwards in the said corporation, shall, at any time hereafter, be entitled to obtain, purchase, retain or hold,

any other or further share or shares therein, so long as such person shall hold or retain as many as ten shares, and in case any person now holding more than ten shares, shall, by sale or transfer, reduce the number of shares held by such person to ten shares, or to a less number than ten shares, then, and in such case, the person so reducing his number of shares, shall, at no time thereafter, be entitled to hold or retain, or become proprietor of more than ten shares; provided always, that nothing herein contained shall extend or be construed to extend, to shares held or retained by any person or persons, as the executor or executors, or administrator or administrators of any deceased shareholder.

AN ACT TO AMEND THE SEVERAL ACTS FOR INCORPORATING THE
NOVA SCOTIA MARINE INSURANCE COMPANY, AND THE HALI-
FAX MARINE INSURANCE COMPANY. 4 Vic., chap. 32. }

Passed 20th March, 1841.

Whereas in and by the twelfth section of the act passed in the fifth year of his late majesty's reign, entitled, an act to incorporate a marine insurance company in Halifax, it is enacted that the annual general meeting of the said company shall be held in the month of January in every year, and at such day and place as the board of directors of the said company shall appoint; but in the eighteenth and nineteenth sections of the same act, it is enacted that the directors of the company shall be elected, and that the officers thereof elected at the annual meeting shall enter upon their offices on the third Monday of January in every year: and whereas in and by the twelfth section of the act passed in the first year of of her majesty's reign, entitled, an act to incorporate the Halifax marine insurance company, it is enacted that the annual general meeting of the said company shall be held in the month of January in every year, and at such day and place as the board of directors of the said company shall appoint; but in the eighteenth and nineteenth sections of the same act, it is enacted that the directors of the said company shall be elected, and that the officers thereof elected at the annual meeting shall enter upon their offices on the second Tuesday of January in every year; and whereas it is necessary to amend the said acts, so as to make the several sections aforesaid thereof consistent with each other:

1. *Be it therefore enacted, &c.*, That the annual general meetings of the said companies shall be hereafter held at such places as the boards of directors thereof shall respectively appoint, and at the days following in every year, that is to say, the annual general meeting of the Nova Scotia marine insurance company, on the

third Monday of January; and the annual meeting of the Halifax marine insurance company on the second Monday of January, in every year: provided always that the said annual meeting shall be duly advertised as in the said acts respectively provided; and that if a sufficient number of proprietors, holding the requisite number of shares, conformably to the said several acts, shall not be present at such annual meetings, the same, or any of them, shall be adjourned until the next or some future day, as in the said several acts respectively provided.

And whereas the annual general meeting of the said Halifax marine insurance company was held on the second Tuesday of January, in this present year, and was attended by a large number of the proprietors thereof, exceeding the number of proprietors and holding a much greater number of shares than is required by the aforesaid act for incorporating the said company; but the notice of the said meeting, although the same was extensively advertised and known, was not advertised for the period prescribed in the said act, in consequence of a misapprehension of the terms thereof:

2. The election of directors and officers of the said company at such meeting, and all the proceedings had thereat, shall be and be deemed to be valid, legal and binding, in the same manner and to the same extent as if the notice of such meeting had been duly advertised as aforesaid.

Proceedings at
last general meet-
ing legalized.

10 Vic., chap. 31. AN ACT TO ENABLE THE NOVA-SCOTIA MARINE INSURANCE COMPANY TO COMPENSATE THEIR DIRECTORS AND AUDITORS.

Passed 17th March, 1847.

Compensation to
directors and au-
ditors.

Provido.

Duration of act.

1. *Be it enacted, &c.*, That it shall be lawful for the Nova-Scotia marine insurance company, at any annual or general meeting, to vote any sum of money by such company deemed proper, to be paid in such manner as may be prescribed by any resolution of the said company, as a compensation for the services of their directors and auditors, provided that at least two-thirds of the shareholders present at such meeting in person or by their proxies shall concur in any such resolution, any clause, matter or thing in the act of incorporation of the said company contained to the contrary notwithstanding.

2. This act shall continue and be in force for nine years, and thence to the end of the then next session of the general assembly.

37 C. 25 to incorporate desirable 47 C. 82.
57 C. 82 " " " 5 years.

1 Vict (1858) C. 3 Incorp
6 Vict. C. 23. p. 266 post. continued
10 Vict. C. 86 p. 266 " " "

37 C. 27
38 C. 79.
40 C. 4. S. S.

OF NOVA-SCOTIA.

15 Vict (22nd Dec) C. 37.
18 Vict. C. 78

1877-C 73 (Quebec)

253

AN ACT TO INCORPORATE THE UNION MARINE INSURANCE COMPANY OF NOVA-SCOTIA.

1 Vic., sess. 1,
chap. 3.

Passed 29th March, 1838.

Whereas the business of marine insurance has of late years greatly increased in this province, and it is expedient that every facility and advantage should be given and allowed to merchants and others engaged and interested in the navigation and shipping thereof; and whereas the persons hereinafter named, together with others, undertake and agree to subscribe and raise a sufficient capital for the carrying on such business, and are desirous of obtaining an act to incorporate them into a company for that purpose:

Preamble.

1. Be it therefore enacted, &c., That William Stairs, David Allison, James A. Moren, Joseph Fairbanks, James H. Reynolds, John Strachan, Joseph Starr, John E. Fairbanks, Robert M. Brown, John Clark, Martin Gay Black, Hugh Lyle, and all and every other person and persons as shall from time to time become proprietors of shares in the company and undertaking hereby established as hereinafter is mentioned, and their respective successors, executors, administrators and assigns, shall henceforth be, and they are hereby united into a company, and declared to be one body, politic and corporate, by the name of "the union marine insurance company of Nova-Scotia," and by that name shall have perpetual succession and a common seal, with power the same seal to change, alter, break and make anew as to the company shall seem meet, and by that name also shall and may sue and be sued, plead and be impleaded at law or in equity, and shall and may prefer and prosecute any bill or bills of indictment against any person or persons who shall commit any felony, misdemeanor or other offence by law indictable, and shall by that name be capable, authorized and empowered to purchase, have, hold, possess, receive and enjoy lands, messuages, houses, hereditaments and real estates whatsoever within this province either in fee simple or for term of life or lives, or years, or in any other manner, but not exceeding in value thirty thousand pounds; and likewise monies, securities for monies, goods, chattels, effects and other things of whatsoever kind or quality; and shall by that name and in their corporate capacity be capable, authorized and empowered to give, grant, sell, assign, mortgage, demise, absolutely or conditionally, or otherwise dispose of, all or any part of such real and personal estate and property as aforesaid as to the said company shall seem meet, and at their free will and pleasure: provided always that the purchase money of the lands, messuages, houses or real estates requisite for the offices and buildings for the business of the company, and the expenditure for the erection of such offices and buildings, shall not exceed the sum of two thousand pounds, unless to replace the same or to repair

Incorporation of
company.

Powers, privi-
leges, &c.

Real estate of
company.

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damages sustained by the accidental destruction thereof a larger expenditure shall become necessary.

Capital of company.

2. It shall be lawful for the said company, and the subscribers thereto, or shareholders therein, to raise or contribute among themselves, in such proportions as they shall think proper, for carrying on the business of marine insurance, an original capital or joint stock of forty thousand pounds, and at any future time an additional capital or joint stock of ten thousand pounds, and the same original capital shall be divided into eight hundred shares of fifty pounds each, and any additional capital into shares of the like denomination; and all such shares shall be numbered in regular progression; and every such share shall always be distinguished by the number affixed thereto; and the said shares shall be, and are hereby, vested in the several persons so raising and contributing the same, and their several and respective executors, administrators and assigns, proportionably to the sum they shall severally raise and contribute; and all persons, their several and respective executors, administrators and assigns, who shall severally subscribe for one or more share or shares, or such sum or sums of money as shall be demanded in lieu thereof, for the purposes of the said company, shall bear and pay, in the manner hereinafter directed, an equal and proportionable sum according to his or their number of shares, towards carrying on the business of the said company, and shall be entitled to, and receive, according to the number of shares so held, and money so by him or them respectively paid, distribution of an equal and proportional part of the net profits and advantages that shall or may arise or accrue from the business or transactions of the said company.

Shares.

Registry of shares

3. The names and designations of the several persons who have subscribed for, or may at any time hereafter subscribe for or be entitled to, a share or shares in the said company, with the respective numbers of such shares; and also, the proper number by which every share shall be distinguished, shall be distinctly and clearly entered into the books for the registration thereof, and to be called the registry of shares, to be kept by the secretary, broker or brokers, of said company; and after such entry, a certificate under the seal of the company, and signed by such officer as shall be appointed for this purpose, shall be delivered to every proprietor, upon demand, specifying the share or shares to which such proprietor shall be entitled in the said company; and such registry, or the certificate of such share or shares, shall be evidence of the property or ownership thereof—but the want of such certificate shall not hinder or prevent the owner of any such share or shares from selling or disposing thereof.

Certificate of registry.

Payment of shares.

4. The several persons who become subscribers toward the said undertaking shall, and they are hereby required to pay the sum of money by them respectively subscribed, or such parts or proportions as shall from time to time be called for, as hereinafter is mentioned, at such times and places as shall be directed, in pursuance

of the provisions of this act; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said company to sue for and recover the same in any court of law or equity, or otherwise, for the board of directors hereinafter established, at their option, to declare the share of any such defaulter forfeited, as in and by the bye-laws of the said company shall be provided.

5. All the shares in the original or increased capital of the said company, and in the undertaking for which it is established, and in the profits and advantages thereof, shall be and be deemed personal estate; and as such personal estate shall be assigned and transmissible accordingly; but no share shall be devisable or divided, or assigned in parts, and the several shareholders or subscribers to the said undertaking respectively, and their several and respective executors, administrators and assigns, shall not, except as hereinafter provided, be liable to any debts of or demands against the said company, beyond the amount of their several and respective subscriptions, or the shares they may severally and respectively hold or possess in the said company, nor under any calls or assessments to be made by the said company or board of directors, or in any way, by any means, or on any pretence whatsoever, be liable to the payment of any greater sum of money in the whole than the sum of fifty pounds, on or for each several share subscribed for, or held by, or standing in the name of such subscriber or shareholder at the time of ordering any call or assessment; and that the said sum of fifty pounds shall include all the calls and payments to be made on one share, and that no greater sum than fifty pounds in the whole shall be paid on any one share in the said company.

6. The said joint stock, and real and personal estate of the said corporation, shall be liable for, and subject to, the payment of all debts contracted by the said company, and that none of the present or future members of the said company shall be liable for the payment of any debt contracted beyond the amount of the calls or assessments due and unpaid on the shares of the stock held by such individual members, except in the cases hereinafter provided for.

7. The said original capital of forty thousand pounds shall be paid and contributed in and by the following calls or payments, that is to say—the first call or payment, being the sum of fifteen pounds for and upon each and every share subscribed for, shall be paid within thirty days after public notice is given by the board of directors, in two of the Halifax newspapers, that the same is required; and that all other subsequent calls and payments shall be in such sum, and at such times, as the board of directors, having reference to the state of the business and affairs of the company, shall order and direct; provided always, that of the days to be hereafter appointed respectively for any subsequent call or payment, notice shall be given by advertisements, published in at least two of the Halifax papers, thirty days at least, previous to such days, and all the said calls and payments shall be made

Shares deemed
personal estate.

Limitation of lia-
bility of sharehol-
ders.

Debts of compa-
ny.

Shares to be paid
by instalments.

by the proprietor of every such share in such coin or money as at the time of such payment shall be a legal tender in this province.

Security to be given by shareholders.

8. Every subscriber to, or shareholder in, the said company, shall at or before the time appointed for the payment of the first call, make, execute and deliver to the said company, either a bond, with a mortgage to accompany the same, on real estate, or otherwise a bond, with two sufficient sureties to the satisfaction of the said president and directors, or a majority of them; and which said bond and securities shall be renewable as often as the president and directors shall require, and to be conditioned for the payment of the residue of the calls to become due and payable as aforesaid, on the several shares by him subscribed and taken in the said company—which bond or securities shall be subject to the approval of the first nine persons named in this act, until the board of directors shall be chosen, and afterwards to the approval of such board.

Payment of shares on increased capital.

9. All shares in any increased capital shall be paid and payable in such proportion, and at such times, as the board of directors shall appoint, and such and the like securities as hereinbefore required for the payment of the future calls of the original capital shall be taken from the subscribers, for shares in any future increased capital of the said company.

President, directors, and other officers of company.

31 V. c. 37. ss. 1, 2.

10. The management and regulation of the affairs and business of the said company shall be conducted by and vested in a board of directors, to consist of a president and twelve directors, and that the necessary officers of the said company shall be, and at all times, except in case of vacancies arising from death, resignation or otherwise, shall consist of one president, twelve directors, a secretary, broker or brokers, and two auditors or examiners of the accounts of the company, and such other officers and servants as the company shall think fit to constitute and appoint for the better management and conducting the business thereof, and that the several powers, authorities, rights, duties and privileges of such president, directors, secretary, broker or brokers, auditors and other officers and servants of the company, so to be appointed, shall be as in and by this act is, or by the bye-laws of the said company shall be hereafter prescribed and established.

Qualification of president and directors.

11. No shareholder in the said company shall be qualified to be elected, or to sit or act as president, or one of the directors of the same, unless he shall at the day of election, bona fide hold and possess, and during the time that he or they shall continue to be such president and directors, continue to hold and be possessed of five shares, at least, of the joint stock of the said company, nor unless, if chosen at any election occurring after eighteen months from the passing of this act, the said number of shares shall have stood in his name on the books, during at least six calendar months before the day of election.

Meetings of company.

12. The annual general meeting of the said company shall be held in the month of January, in every year after this present year, and at such day and place as the board of directors shall appoint,

and that special meetings of the company shall be summoned by the directors when they shall deem the same necessary, or whensoever a requisition in writing therefor shall be delivered to the board, signed by twenty shareholders, owning not less than one hundred shares, and specifying the object of such meeting, and that meetings of the board of directors shall be held at the office of the company at least three days in every week, and at such other times as the directors shall think proper, or as the business of the company may require: provided always, that notice of the day appointed for the annual or any general or special meeting of the company shall be given by an advertisement, published at least thirty days previous thereto, in two of the public newspapers in Halifax.

13. At every annual, general, and special meeting of the company, every proprietor or shareholder having paid up all calls on him made, and then due and payable, shall be entitled to vote, according to the number of shares which any proprietor or shareholder may possess, namely: the owner of one share to one vote, the owner of five shares to two votes, and the owner of ten shares to three votes, and may give such vote or votes by his or her proxy, duly constituted, according to the bye-laws, such proxy being a shareholder entitled to vote; and every such vote by proxy shall be as good and sufficient, to all intents and purposes, as if such principal had voted in person; and whenever any share shall be held by more than one person, then the person present at the meeting, who stands first on the registry, or is first named on the stock certificate, shall vote therefor; and at every meeting of the board of directors each director shall have one vote only; and every question, matter or thing, which shall be discussed, proposed or considered, at any general or special meeting of the company, shall be determined by a majority of votes and proxies then given, and every question, matter or thing which shall be proposed, discussed, or considered at any meeting of the board of directors, shall be determined by the majority of votes then given by the directors then present; and in case it should happen that any general or special meeting of the company, or meeting of the board of directors, the votes shall be equal, then the president of the company, or in his absence, the chairman of the meeting or of the board, shall be entitled to a casting vote, upon the matters under discussion, besides and in addition to his own personal vote, unless such right to a casting vote shall be abrogated by the bye-laws hereafter to be made.

Qualification of voters at meetings of company.

Question determined by majority of votes.

14. No annual or special meeting of the company shall be held, unless there be present thereat, and at the giving of the votes, at least twenty members of the said company, holding at least two hundred shares in the said company; and at every such annual, general or special meeting of the said company, the president of the company, or in his absence, the senior director present, or in the absence of all the directors, one of the proprietors, to be chosen at such meetings

Twenty proprietors to be present at meetings.

respectively, shall be chairman of such meeting or meetings respectively; and that if, at any day appointed for such meetings of the company, a sufficient number of shareholders shall not attend within one hour after the time appointed for the meeting, then and in every such case the meeting shall be adjourned until the next or some future day, by the president or senior director, or if no director be present, by the secretary, broker or brokers of the company, as the case may be, or by such person as may attend in his or their place.

Proceedings of meetings to be entered in a book by secretary.

15. The orders and proceedings of every general and special meeting of the company shall be entered by the secretary, broker or brokers of the company, or such other person as shall attend in his or their place, in a book or books to be kept for that purpose, and shall then be signed by the president or chairman of the meeting, and being so entered and signed, shall be taken and deemed to be the original orders and proceedings of such meeting, and shall be received as such, upon due proof thereof, in all courts and places, and on all occasions whatsoever.

Subscription books to be opened by five first persons named in this act.

16. The five persons first named in this act shall, as soon as conveniently may be, after the passing of this act, open a book for the purpose of receiving the subscriptions, and entering the names of the persons hereinbefore named, and of such other persons as have already agreed together to take shares in the said company, and shall then still be desirous of retaining such shares, with the number of shares by them taken against their names respectively; and in case the number of shares taken by such persons so agreeing, and still being at the time of opening such book, desirous of retaining their respective interests, shall not amount to the said number of eight hundred shares, then the said five persons first named shall be authorized to take and receive further subscriptions in said book, until the whole number of eight hundred shares shall be subscribed for and taken, and the several persons whose names shall be so entered in the said book shall form and constitute the company aforesaid, and when and so soon as the first payment of the said shares so taken become due, the said five first persons named shall receive the same, and shall also demand and take for and on behalf of the company, such securities as hereinbefore are directed to be taken for the payment of the future calls or payments to be made on the said shares respectively: provided always, that no proprietor or shareholder in the said company shall be entitled to purchase, obtain, retain and hold, nor shall purchase, obtain, retain or hold, more than twenty shares in the said company: provided always, that nothing herein contained shall extend or be construed to extend to shares held, or to be held or retained by any person or persons as the executor or executors, or administrator or administrators, of any deceased shareholder.

Payments and security, to whom to be made and given.

Proviso.

Shares to be taken up within twelve months.

17. If the number of eight hundred shares shall not be subscribed for and taken within twelve months after the passing of this act, then the said securities shall be given up to the parties executing the same, and the first call paid on the respective shares shall

be repaid to the respective subscribers, deducting only therefrom a proportional share of any expenses to be incurred in the matters aforesaid.

18. So soon as the number of eight hundred shares of the original capital of forty thousand pounds shall have been subscribed, the said five persons first named in this act shall, by public advertisement, to be printed in at least two public newspapers printed at Halifax, during twenty days, appoint a day and place for the first general meeting of the subscribers, and shall assemble such meeting, and a chairman being chosen from among the subscribers present, with a secretary, broker or brokers, the company hereby incorporated shall be formed and organized, and go into operation under this act; and the said subscribers then and there present, or their proxies, shall and may forthwith in the manner in this act prescribed, proceed to elect a president and twelve directors for the said company, and a secretary, broker or brokers, auditors, and such other officers as may be deemed expedient for managing the business thereof; and therefrom the persons so elected shall be and become forthwith the officers of the said company: and the president and directors shall constitute the board of directors thereof; and the said president shall remain in office until by a vote of some annual or special meeting his office shall be declared vacant, and a new president be chosen and appointed to enter on his office on some day by such resolutions to be specified; and the said directors and other persons so to be elected shall hold, exercise, and enjoy and retain their respective offices from the day of such their election until the annual general meeting in January, one thousand eight hundred and thirty-nine, and thence continually until a new choice of officers be made by the company, pursuant to this act and the bye-laws in that behalf to be provided.

19. On the third Wednesday of January in each year, the directors of the said company for the then ensuing year shall be elected by ballot, in the following manner, viz:—the shareholders shall first elect eight directors for the then ensuing year out of the directors who have served for the preceding year, and shall then elect four other directors from the shareholders of the company qualified to become directors: provided always that it shall and may be lawful for the said shareholders to re-elect the persons who were directors the preceding year, if they think proper so to do.

20. The office of the president or directors, secretary, broker or brokers, or auditors of the company, shall become, and may by the board be declared vacant on the death, resignation, three months' absence or permanent removal of such officer from the province by his ceasing to hold the number of shares required as a qualification, or by a vote of the general meeting of the stockholders removing the officer for misconduct or malversation in office; and every such vacancy, except in the office of president, shall be filled up by the choice of a shareholder, to be made by the board of directors, and who shall serve until the annual meeting;

Organization of company.

*SS. 18 & 19 Rep. 4
new section in lieu thereof
15 Vict (2 Sess). C. 37.*

Annual elections of directors.

Proviso.

Vacancies among directors or officers of company, how to be filled up.

and at every such annual meeting qualified persons shall be elected to supply the place of those officers who are, as aforesaid, to go out of office on the third Wednesday of January annually after the present year, or whose offices have been vacated as aforesaid; and all officers elected at the annual meeting shall enter upon their offices on the third Wednesday of January in every year after the present year: provided always that any director or other officer so going out of office shall be capable of being re-elected by the company.

When company
may commence
business.

21. When and so soon as the sum of twelve thousand pounds shall have been actually paid to the proper persons in manner before provided upon the calls aforesaid by the several proprietors of shares, and sufficient securities shall have been given by said proprietors for any balances of their shares, then and in that case it shall and may be lawful for the board of directors, by public advertisement to be printed in at least two of the newspapers in Halifax, to declare the same and make known the intention of the company, to transact the business of marine insurance, and to fix the time when their office will be open for such business; and thereupon the said company shall and may, at the day so named, commence and carry on in their office in Halifax, or elsewhere in this province, the business and operations of marine insurance in all its branches, and shall and may receive and accept orders, directions and proposals for insurance, and make insurance upon all ships and vessels whatsoever in port or at sea, or for and upon any voyages or adventures whatsoever, and for and upon all goods, merchandize, property and effects whatsoever, and for and upon all money, coins, bullion or other valuable things whatsoever in and upon any such ship laden or to be laden, and in and upon the freight of goods or merchandize carried or to be carried upon any ship or vessel, or on any voyage whatsoever; and also upon monies lent or advanced upon bottomry or respondentia, and upon expected profits and commissions or adventures by sea, and upon all subjects of marine insurance whatsoever; and the same shall and may insure against all losses, perils and dangers whatsoever of the seas, fire, enemies, thieves, and other risks of the seas and navigation usually insured against by underwriters, and either for or during the respective voyage, or any time or times whatsoever; and shall and may agree for, fix and establish the premiums and compensations to them to be paid for such insurances, and shall and may make and execute all such writings and policies of insurance, and with and under such reservations and conditions as shall be agreed upon or ordered by the board; and shall and may accept, receive and take the abandonment, relinquishment and surrender of any ship or vessel to the said company, abandoned under any such insurance; and shall and may adjust and settle all claims and demands for losses for or in respect of any such insurances or of any orders therefor to the said company given, and generally shall and may perform and transact all matters and things whatsoever rela-

Vide 38 V.C. 39
" 40 V.C. 4 & 5
" 1877, C. 43, S. 14
(2000)

ting to the business of an insurance broker and insurer or underwriter on ships or goods belonging or appertaining, and to all intents and purposes whatsoever.

22. All orders and directions for such insurance to the said company given and by them accepted, and all policies of insurance by the said company made and sealed with the common seal thereof and signed by the president of the company or any chairman of the board of directors, and countersigned by the secretary, broker or brokers of the company, shall be binding and obligatory upon the said company; and all the joint stock, capital, funds, property and effects thereof whatsoever, and the amount by such policies insured, and which upon adjustment of any loss is or ought to be payable to the assured thereupon, shall be faithfully and truly paid and satisfied within sixty days from the time of such loss, settled or adjusted: provided always, that until the expiration of one year from the constitution of the said company as aforesaid, no greater sum than four thousand pounds, and after the said one year expired no greater sum than five thousand pounds shall be insured by the said company, and be at risk at any one time upon any one ship or vessel, or upon any goods, wares or merchandize on board thereof, or upon any freight by such vessel to be carried or commission or profits expected to arise during the voyage insured, or from the cargo on board thereof, or upon any security of the nature of a mortgage, or bottomry or respondentia given for or upon such vessel, her cargo or freight; but the several insurances made upon the several risks in or depending on any one vessel may collectively amount to any sum not exceeding four thousand pounds during the first year, and five thousand pounds afterwards.

23. The affairs and business of the said company shall be managed and transacted by the board of directors thereof, of whom three directors with the president, or in case of his sickness or absence, four directors, one of whom being chairman of the meeting, shall constitute a meeting, and the said board of directors for the time being shall have full powers and authority to meet and adjourn from time to time and from place to place as they shall see fit; and also to direct, manage and conduct, with the assistance of the secretary, broker or brokers, all the affairs and business of the company, and the taking and accepting orders for insurance—fixing the premium therefor—executing, sealing and delivering policies of marine insurance—adjusting, settling, paying or compromising for losses claimed under policies—procuring, purchasing or obtaining suitable buildings, offices and places for the business of the said company, and fitting the same with all things necessary therefor, and investing the funds and taking securities for the monies of or debts due to the said company, upon public or private stocks or real or personal securities, and making or carrying into effect all contracts and bargains touching the said company and the affairs thereof, but subject nevertheless to such orders, bye-laws, rules and regulations as at any time shall be duly made by the said company in restraint,

Orders for insurance—liability of company.

Proviso.

Extent of risk.

Business of company, how to be conducted.

31V. C. 37 ss. 1, 2

control or regulation of the powers and authorities hereby vested in the said board of directors.

Employment of
surplus funds.

Surplus funds of
company, how dis-
posed of.

Books of company
to be balanced—
abstract to be sub-
mitted to proprie-
tors.

Inspection of
books, &c. of
company.

24. The surplus funds remaining from dividends, and the capital stock of the said company from time to time as the same shall be paid in and collected, and all surplus of monies received, shall be kept constantly invested on good real or personal securities, to be taken by instruments under seal or in the public funds, at interest, in the name of the company, but no part thereof beyond the sum absolutely necessary for procuring the necessary buildings, offices and accommodations of the company's business shall be invested in real estate, nor shall any part thereof be lent or advanced on bottomry or respondentia, or on mortgage of ships or vessels: provided always that for, and as an additional security for, any part of the capital stock or surplus funds of the said company which may be invested as aforesaid, or for or in respect of any debts that may be contracted with them, mortgages of real estate or personal property, may be made to and held by the said company: provided also that mortgage interest in ships, vessels or goods may be insured thereby; nor shall the said funds be used or employed in merchandize, nor shall the company trade or carry on any business as merchants, or deal in buying and selling goods or personal property whatsoever; nor shall any dividend be made on any pretence of the capital or joint stock of the company, or whereby the same shall be in any way reduced or impaired.

25. The said board of directors shall have power and authority, and they are hereby strictly required, to cause to be balanced the books of the said company on the last day of December, one thousand eight hundred and thirty eight, or at such other period as any general meeting shall require, and the same, being so balanced, shall be carefully examined and signed by the said auditors, and approved by the board of directors, and an abstract of the said balance, shewing clearly and explicitly the state of the debts and credits of the said company, and shewing how many, and what part of the insurances made by the company, are determined or remain undetermined, and at risk, and what claims for losses are unsettled, and what deductions or allowances ought to be made thereupon; and also, shewing how, and in what manner, the capital stock of the company is invested or disposed of, and what sums of money are due to the company, and also stating such further particulars as by the bye-laws and regulations of the company shall be required, shall be produced by them at the annual general meeting, for the inspection of the proprietors, and a duplicate thereof in like manner, signed and attested, shall be transmitted to the office of the secretary of the province, for the information of the lieutenant-governor and her majesty's council, and of the general assembly.

26. The books, papers and correspondence, and all other documents and writings of the company, shall at all times be open to the members of the board of directors, and shall be subject to the order and disposal of the board; but the rendering such accounts

as aforesaid to the general meeting shall not be construed to confer on any proprietor, not a director or auditor, the right to inspect, in the books of the company, the account of any individual, other than himself with the said company.

27. At every annual meeting, or some adjournment thereof, there shall be made out of the clear residue of the profits and advantages, rents, premiums and interest to the said company accrued, or by the same previously made, after deducting therefrom an allowance sufficient to discharge the outstanding and probable claims against the company, such dividend and dividends as the proprietors at such meeting shall order and direct, and such dividend or dividends shall be at and after the rate of so much for every share held by the members thereof, their executors, administrators or assigns, or else the said clear residue, or some part thereof, shall be directed to accumulate, and added to the capital stock: provided always, that the monies received, or the securities taken, for the premiums of insurance undetermined and outstanding, on the last day of December, one thousand eight hundred and thirty eight, and in each year thereafter, shall not be deemed to be part of such profits.

Dividends.

28. If at the annual meeting in January, one thousand eight hundred and thirty-nine, or at any subsequent annual meeting, the net surplus and profits of the company from the business of the year then next preceding such meeting, shall suffice to make a dividend therefrom of more than five per cent. per annum, but less than ten per cent. per annum, or more than ten pounds, and less than fifteen pounds per cent. or more than fifteen pounds, and less than twenty pounds per cent. and so in the like proportion for every share in the company, then, and in each and every such case, all surplus and excess of profits more than sufficient to make the respective dividends of five, ten, fifteen or twenty pounds, and so in the like proportion per cent. but not sufficient to increase such dividends by the full sum of five pounds per cent. respectively, shall be added to, and form part of, the capital or joint stock of the company, and shall not be the subject of any dividend.

Dividends restricted to certain percentages.

29. The said company shall have full power and authority, from time to time, at the first or any of the general meetings as aforesaid, to make, ordain and put into execution, such rules, orders and bye-laws, as to them shall seem meet and proper, for regulating the proceedings of the company, the transfer and forfeiture, and registration of shares, the enforcing payment of calls, the proceedings of the board of directors, the transaction of the business of the company, the government and regulation of all the officers and servants of the company, and for the superintendence and management of the affairs of the company, in all respects whatsoever, and from time to time, to alter and repeal such rules, orders and bye-laws, or any of them, and to make others as to the shareholders of the company, at a general meeting, shall seem meet and expedient, and all rules, orders and bye-laws, so made as

Bye-laws may be established.

Proviso.

Books of company open to the inspection of government.

Capital of company expended, insurances to cease.

Vide 151 (2-26-60), c. 27.

Company may be dissolved.

Vide 151 (2-26-60), c. 27.

aforesaid, being reduced into writing, and signed by the chairman present at any such meeting, and sealed with the seal of the company, shall in all or any part thereof, be deemed and taken to be the rules, orders and bye-laws of such company: provided always, that such rules, orders and bye-laws, be not repugnant to the laws of this province, or to the laws in force within the same, or to the express provisions and directions of this act: provided also, that no bye-law of the said company, and no repeal of any bye-law shall be in force, or executed, until the same respectively is approved by the lieutenant-governor and her majesty's council.

30. The books and accounts of the said company, shall be at all times open to the examination of such person or persons, as the lieutenant-governor, for the time being, with the advice of her majesty's council, shall appoint to inspect the same, and that before any policy of insurance shall be issued by the said company, the mode and securities in and upon which the surplus capital stock of the said company shall have been invested, shall be first sanctioned and approved by the lieutenant-governor or commander in chief, for the time being.

31. If it shall happen that by, or in consequence of, any losses or misfortunes, or other means whatsoever, the original or increased capital or joint stock of the company shall at any time be wholly expended, or claims against the company shall be outstanding and unsettled, to an amount equal to the existing and available capital and funds of the company, then, as soon as the same shall be known to, and ascertained by, the president or board of directors, it shall not be lawful for the company to make, or for the said board to accept, orders for or sign or issue any new or further insurances or policies therefor whatsoever; and if any such further insurances shall be made, or policies therefor be signed or issued, after such knowledge of the state of affairs of the company had by the president or directors, or any of them, then, for and upon all losses and monies payable for losses under such insurances and policies so issued and signed, the said president and each of the said directors, who shall accept or make such insurances, or authorize or sign the same policies, shall be personally, and in their estates jointly and severally liable and accountable to the full amount of such losses, and all charges incident thereto.

32. Upon the happening of any such losses or misfortunes, as last mentioned, to the extent of the said capital and funds, or upon the vote of three-fourths in number of the proprietors in the said company, holding at least three-fourths of the whole number of shares in the said company, it shall be lawful for the said proprietors to dissolve the said company, and to declare that the same shall cease on a day to be fixed, and therefrom the said company shall on that day cease and determine, but the president, board of directors, and officers of the company, shall continue in office during such time as shall be required for winding up the affairs and business of the company; and all corporate powers for this purpose

necessary and requisite, shall subsist and remain in force until the whole of its affairs shall be fully settled and closed, and the board of directors for the time being shall be and are hereby required to adopt the most immediate and effectual measures for settling, winding up and closing all the accounts, affairs and business of the company, ascertaining, adjusting and paying the demands against the same, collecting the debts due, and converting the capital and property of the company into money, and for dividing and paying to and among the shareholders and proprietors entitled thereto, the whole net proceeds of the same, according to their respective shares and interests in the said company.

33. In case of any loss or deficiency which shall or may hereafter arise or occur in the capital or joint stock of the said corporation, whether arising from the official mismanagement of the directors of the said company, or from any other cause whatsoever, the persons who are or may be shareholders in such company at the time of any such loss or deficiency so occurring as aforesaid, shall, in their private individual capacities, be respectively liable to make good any such loss or deficiency, so far as may be necessary or requisite to pay off and discharge any claims and demands against the said corporation then existing: provided always, that in no case shall any one shareholder be liable to pay a sum exceeding the amount of the stock then actually held by such shareholder in addition to the stock so held by him: provided that nothing herein contained shall limit or apply to the liability of any president, directors or other officers of the said company for official misconduct or mismanagement.

Further liability
of shareholders.

34. It shall be lawful for the said board of directors to allow and pay to the secretary, broker or brokers, and any other officers and servants of the company, such compensation and allowances as may be reasonable or agreed upon, and to the president such compensation as the company at any general meeting shall order for his services; but the said directors and auditors shall not be entitled to take or receive any payment or remuneration whatsoever for their services respectively.

Payment of secretary,
brokers, &c.

35. No loan of the capital stock at any time to be raised under the provisions of this act or any part thereof shall be made directly or indirectly to any director of the said company, nor shall any such director be a party to any security for any such loan; and no stockholder to whom any part of the capital stock shall have been lent shall be eligible as a director during the continuance of such loan.

Loans.

36. This act shall continue for the term of eighteen years and no longer, unless the same shall be determined in the manner hereinbefore mentioned.

Continuation of
Act.

*Continued by
(1855) 18 V. c. 78. s. 1 for
20 years + then 5 the
end of the then next
session.*

Vide 1 Vict. (1837) Chap. 3 p. 253 ante

3 Vict. c.

5 Vict. c. 42.

6 Vic., chap. 23. AN ACT TO ENABLE THE UNION MARINE INSURANCE COMPANY OF NOVA-SCOTIA TO COMPENSATE THEIR DIRECTORS AND AUDITORS.

Passed 29th March, 1843.

Preamble.

Whereas the shareholders of the union marine insurance company of Nova Scotia are desirous of being permitted to compensate the directors and auditors thereof for their services, in case they shall think proper so to do :

May pay directors and auditors.

1. *Be it therefore enacted &c.*, That it shall and may be lawful for the union marine insurance company of Nova Scotia, at any annual or general meeting of such company, to vote any such sum or sums of money as such company may deem proper, to be paid in such manner as may be prescribed by any resolution of the said company, as a compensation for the services of their directors and auditors—provided that at least two-thirds of the shareholders present at such meeting in person, or by their proxies, shall concur in any such resolution, any clause, matter or thing, in the act of incorporation of the said company contained to the contrary notwithstanding.

Proviso.

Continuing clause

Vide 10 V. c. 86 infra

2. This act shall continue and be in force for four years, and from thence to the end of the then next session of the general assembly.

10 Vic., chap. 86. AN ACT TO CONTINUE THE ACT TO ENABLE THE UNION MARINE INSURANCE COMPANY OF NOVA-SCOTIA TO COMPENSATE THEIR DIRECTORS AND AUDITORS.

Passed 17th March, 1847.

Act 6 Vic. continued.

1. *Be it enacted, &c.*, That the act passed in the sixth year of the reign of her present majesty queen Victoria, entitled, an act to enable the union marine insurance company of Nova-Scotia to compensate their directors and auditors, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for nine years, and thence to the end of the then next session of the general assembly.

Continued by

18 V. c. 79 S. 1 (1855) for 20 years & thence to the end of the then next session.

AN ACT TO INCORPORATE THE AVON MARINE INSURANCE COMPANY.

14 Vic., chap. 26.

Passed 31st March, 1851.

1. *Be it enacted, &c.*—Benjamin DeWolfe, John Duncan, Theodore S. Harding, Ezra Churchill, Bennett Smith, Nicholas Mosher, senior, Godfrey P. Payzant, David Reid, James L. DeWolf, Gurdon Davidson, John Skaling, Theophilus Cowen, and such other persons as are or may hereafter become shareholders in the company hereby established, shall be a body corporate, by the name of the "Avon marine insurance company," for the purpose of conducting the business of marine insurance at Windsor, in this province.

Avon marine insurance company incorporated.

2. The company may hold real estate not exceeding the value of seven hundred pounds.

Real estate of company.

3. The original capital stock of the company shall be ten thousand pounds, which may subsequently be increased by vote of the shareholders to twenty thousand pounds, to be divided into shares of twenty-five pounds each, which shall be numbered in regular progression; but no member of the company shall hold more than twenty-five shares at one time.

Capital stock of company.

4. No member of the corporation shall be liable on account of the debts of the company to a greater amount in the whole than double the amount of the stock held by him, deducting the monies paid thereon to the company, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Liability of members.

5. Every shareholder shall, at or before the time appointed for payment of the first call for payments on account of the shares, execute and deliver to the company, either a bond, with a mortgage on real estate to accompany the same, or otherwise a bond with two sufficient sureties, such bonds to be renewable as often as the president and directors shall require, and to be conditioned for the payment of the residue of the calls to become due or payable on the shares held by him, which securities shall be subject to the approval of the first seven persons named in this act, until the board of directors shall be chosen, and afterwards to the approval of such board.

Shareholders to give bonds for payment of all calls on their shares.

6. All calls or instalments on account of the shares, shall be paid by the several shareholders at such times and in such equal proportions as the directors shall appoint and notice of the times and places of paying such calls shall be given by them, by advertisement in at least two of the Halifax newspapers thirty days at least previous to the time of payment.

Instalments to be paid as directors shall appoint.

7. The management of the affairs of the company shall be conducted by a board, to consist of a president and four directors, and

Affairs of company to be conducted by a board.

the necessary officers of the company shall in addition thereto consist of a secretary, two auditors or examiners of the accounts of the company, and such other officers and servants as the company shall by their bye-laws direct.

First meeting.

8. So soon as four hundred shares are subscribed, the company may hold their first meeting.

Proceedings to be entered in a book kept by secretary.

9. The proceedings of every general or special meeting of the company, shall be entered by the secretary, or such other person as shall attend in his place, in a book to be kept for the purpose, and shall then be signed by the chairman of the meeting, and being so entered and signed shall be deemed to be the original orders and proceedings of the company, and when proved shall be legal evidence thereof, which book shall be kept at the office of the secretary and shall be open for the inspection of any person who may desire the same at all reasonable times, without fee.

Secretary to keep a book with record of subscriptions, stock, &c.

10. The secretary shall also keep in his office a book containing a record of the original subscriptions of stock, and of all additions thereto, and of all alterations in the ownership thereof, together with the amounts paid thereon; and no transfer of such stock shall be valid until it shall be entered in such book, which book being proved shall be legal evidence of the ownership of the shares, and shall be open for the inspection of any person who may desire the same at all reasonable times, without fee.

As soon as capital be subscribed, directors may commence business at Windsor.

11. As soon as the whole original capital shall have been subscribed, and the sum of two thousand five hundred pounds shall have been actually paid to the company by the proprietors of shares, and sufficient securities shall have been given by them for the balances thereof, the directors may, at their office in Windsor, commence and conduct the business of marine insurance in all its branches, and may make insurance upon all subjects of marine insurance whatsoever, and may transact all matters relating to the business of a marine insurance, broker, insurer or underwriter; but until the expiration of one year from the time when the company shall commence the business of insurance no greater sum than one thousand pounds, and after the expiration of the year no greater sum than two thousand pounds in the whole shall be insured by the company and be at risk at the same time upon any one ship or vessel, her cargo, freight or other interest therein depending on the same risk.

Surplus capital to be invested on interest, &c.

12. All the paid capital of the company which shall not be considered necessary to be kept on hand for the payment of losses or expenses shall be kept constantly invested at interest upon approved securities as mentioned in the fifth section, or in public funds, bank or other stocks, in the name of the company, but no part thereof beyond the sum absolutely necessary for procuring the necessary buildings for conducting the business of the company shall be invested in the purchase of real estate, nor shall any part thereof be lent on bottomry or respondentia, or on mortgage of ships or vessels, but mortgages of other personal property may be held by

the company to secure a debt; nor shall the funds of the company be employed in merchandize, nor shall the company carry on trade as a merchant, nor shall any dividend be made of any part of the capital stock; nor shall any loan of any part of the capital stock be made directly or indirectly to any director of the company, nor shall any such director be a party to any security for any such loan; and no stockholder to whom any part of the capital stock shall have been lent shall be eligible as a director during the continuance of such loan.

Directors not to take loans.

13. The books and accounts of the company shall at all times be open to the examination of such persons as the governor in council shall appoint to inspect the same; and before any policy of insurance shall be issued by the company, the securities upon which the surplus capital stock and the balance of the unpaid stock of the company shall have been invested or secured, shall be first approved by the governor in council.

Books and accounts to be open for inspection.

14. If it shall happen that in consequence of any losses or misfortunes, or other means whatsoever, the original or increased capital and joint stock of the company shall at any time be wholly expended or claims against the company shall be outstanding unsettled to an amount equal to the existing and available capital and funds of the company, then as soon as the same shall be known to the president or board of directors it shall not be lawful for the company to make or for the board to accept orders for or issue any new insurance or policies whatsoever; and if any further insurance shall be made, or policies issued after such knowledge of the affairs of the company had by the president or directors or any of them, then for all losses under such insurance and policies the president and each of the directors who shall accept or make such insurance or authorize or sign the same policy, shall be personally and jointly and severally liable to the full amount of such losses and all charges incident thereto.

Further issues of policies prohibited after capital expended.

President and directors liable for losses.

15. Upon the happening of such losses or misfortunes as last mentioned to the extent of the capital and funds, or upon the vote of three-fourths in number of the proprietors in the company holding at least three-fourths of the whole number of shares in the company, the proprietors may dissolve the company and declare that the same shall cease on a day to be fixed, and thereupon the company on that day shall cease and determine.

When company may be dissolved

16. So much of the sixteenth section of the revised laws, passed during the present session, as prevents incorporated companies from transacting the business of insurance, shall not extend to the company hereby established.

16th sec. revised laws not to extend to company.

2 Wm. 4, chap. 50 AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF
 "THE PRESIDENT, DIRECTORS AND COMPANY OF THE BANK
 OF NOVA SCOTIA."

Passed 30th March, 1832.

Preamble.

Whereas the establishment of a public bank at Halifax will be greatly advantageous to trade and commerce, and otherwise advance the interests of the province, by increasing the circulating medium of business, and promoting a more extensive and beneficial employment of the resources and industry of all classes of its inhabitants. And whereas several persons have associated themselves for the purpose of forming such an institution, and have applied for an act of incorporation for the same :

Shareholders united in one body politic and corporate.

1. *Be it enacted, &c.*, That William Lawson, Andrew Belcher, John Brown, Mather Byles Almon, James William Johnston, James Tremain, John Leander Starr, James Leishman, Joseph Freeman, John Albro, James Boyle Uniacke, Charles Roche, James Kerby, Alexander Murison, William Strachan, George Innes, William Macara, and all and every such other person or persons as shall from time to time become proprietors of shares in the said corporation hereby established, and their successors, executors, administrators and assigns, shall be, and they are hereby united into a company, and declared to be one body politic and corporate, by the name of "the president, directors, and company of the bank of Nova Scotia," and by that name shall have succession and a common seal, and by that name shall and may sue, and be sued, plead and be impleaded, at law or in equity, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy, houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattles, and all other things, real, personal or mixt, and also to give, grant, sell, let, assign or convey, the same or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary or proper for the benefit and advantage of the said corporation : and also, that they the said president, directors and company, shall from time to time, and at all times during the continuance of this act, and of the said corporation, have full power, authority and license to constitute, make and establish such bye-laws and ordinances, as may be thought necessary for the rule and good government of the said corporation—provided such bye-laws and ordinances be not contradictory or repugnant to the laws and statutes of the province, or of those in force within the same.

Their powers.

Stock of corporation.

2. The capital or joint stock of the said corporation shall consist of gold and silver coins, or provincial treasury notes, to the amount, in the first instance, and at the commencement of the said corporation, of one hundred thousand pounds, to be divided into two thousand shares of fifty pounds each, and that fifty per cent.

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or one half part of the stock which shall be subscribed for, shall be paid on or before the first day of June next, and that the remaining half part of such stock so subscribed shall be paid at such time or times after the said first payment, as shall be agreed on and appointed by the directors of the said bank for that purpose, forty days' previous notice being first given in the gazette and at least two other newspapers published in Halifax, of the time and place appointed for the payment of such second or future instalments; provided that no second or other future instalment shall be required to be paid until at least forty days after the payment of the said first instalment of fifty per cent: provided also, that if the whole capital or joint stock of one hundred thousand pounds shall not be subscribed for before the said first day of June next, that it shall and may be lawful for the shareholders of the said bank, in any bye-law passed under the authority of this act, for the time being, to make such orders, rules and regulations for the payment of any stock which shall be subscribed for after that period, or for any part thereof, or instalment thereon, and also all other rules, orders and regulations, respecting the shareholders subscribing after the said first day of June next, as shall be just, reasonable and proper, for putting such shareholders so subsequently subscribing, on a fair and equal footing with the shareholders who shall have subscribed for any stock before the said first day of June next.

3. If any shareholder shall neglect or refuse to pay all or any part of the share or shares subscribed by him and payable as herein directed, it shall and may be lawful for the directors of the said bank for the time being, forthwith, after such neglect or refusal, to sell and dispose of the share or shares, in the payment of which such default shall be made, to the best advantage; and the said directors shall thereupon, out of the monies arising from the sale thereof, pay over to such shareholder the amount actually paid in by him on such share or shares, deducting first therefrom ten per cent. on the amount of his said share or shares to be retained by the said bank, in lieu of all expenses incurred by such default: provided always, that if any loss shall arise on the sale of such share or shares no greater sum shall be paid to the said shareholder than that at which such share or shares shall be so sold, deducting first therefrom ten per cent. as aforesaid.

4. Whenever the business of the said bank shall be thought to require a further and additional amount of its capital or joint stock, it shall and may be lawful for the said shareholders, at any general or special meeting to be called for that purpose, and of which due notice of not less than thirty days shall be first given in at least the royal gazette, and two other newspapers, published in the town of Halifax, to increase the said capital or joint stock of the said bank, by the further sum of one hundred thousand pounds, making the said capital or joint stock in the whole with such addition of the amount of two hundred thousand pounds and no more; and which said additional capital or joint stock may be made and added, either

Neglect or refusal
of shareholders to
pay in amount of
their shares.

Stock may be in-
creased—

By additional shares.

in one gross amount and at one time, or at two or more distinct and separate times and periods, and in such amounts severally as shall be resolved and agreed upon at any separate and distinct meetings of the shareholders as aforesaid, and all which said additional capital or joint stock shall also be divided into shares of fifty pounds each, and paid in gold or silver coins, or provincial treasury notes.

Additional shares to be sold at auction.

5. All the said additional shares to be so made and added to the said capital or joint stock of the said bank, shall be sold and disposed of at public auction, to the highest bidder and bidders, at such time or times, place or places, and on such terms as the directors of the said bank for the time being shall appoint and direct, and of which said sale or sales, and of the said time and place thereof, public notice shall be first given in at least the gazette and two other newspapers published in the town of Halifax, for at least thirty days previous to such sales, and that the said shares shall not be sold in lots of more than five shares each.

Time of payment of additional shares.

6. The said additional shares, together with any advance or premium at which they may be respectively sold, shall be paid into the said bank within thirty days next after such sale, and the whole amount of such advance or premium, if any, first deducting thereout the charges of such sale, shall be divided in equal proportion to and among all the shares in the capital or joint stock of the said bank, as well the additional as the original shares, and such dividend of the said advance or premium, if any, shall be declared and paid by the said directors at the next semi-annual dividend, after the payment into the said bank of the purchase money of the said additional shares.

Default of payment of additional shares.

7. In case of default of payment of any of the said shares, and the advance or premium at which they may have been sold, within the said time so fixed for the payment thereof, it shall and may be lawful for the directors of the said bank for the time being, forthwith to sell and dispose of the said shares, in the payment of which default shall be so made at their discretion, to the best advantage, and payment thereof shall be immediately made, and any advance or premium thereon shall be divided in the manner before mentioned.

Corporation may hold land, &c.

8. The said corporation shall have full power and authority to take, receive, hold, possess and enjoy in fee simple, any lands, tenements and real estates to any amount not exceeding five thousand pounds, provided nevertheless that nothing herein contained shall prevent or restrain the said corporation from taking or holding real estate to any amount whatsoever under judgment or by mortgage recovered or taken as collateral security for the payment of any sum or sums of money advanced by or for debts due to the said corporation, provided further that the said corporation shall on no account lend money upon mortgage upon lands or other fixed property, nor upon the security of any stock in the bank, unless by way of additional security for debts contracted with the said corporation in the course of its dealing.

Proviso.

9. After the passing of this act, whenever one thousand shares shall have been subscribed of the said capital stock, and ten per cent. on the amount of such subscription have been paid in, before which no one shall have a right to vote for any purpose, a general meeting of the members and stockholders of the said corporation, or the major part of them, shall take place by notice in one or more of the public newspapers ten days previous to such meeting, for the purpose of organizing the said bank, and of making, ordaining and establishing such bye-laws, ordinances and regulations for the good management of the affairs of the said corporation as the members and stockholders of the said corporation shall deem necessary; and also for the purpose of choosing thirteen directors, being stockholders and members of the said corporation, under and in pursuance of the rules and regulations hereinafter made and provided, which directors so chosen shall choose out of their number a president, and shall serve until the first annual meeting for choice of directors, and shall have full power and authority to manage the concerns of the said corporation, and shall commence the operations of the said bank—subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said corporation, or the major part of them, shall determine the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said corporation shall be binding upon the said stockholders, their successors and assigns, until altered at any other general meeting of the said stockholders.

Organization of bank.

Choice of directors and president

10. There shall be a general meeting of the stockholders and members of the said corporation, to be annually holden on the first Wednesday in March, in each and every year, at Halifax; at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said corporation thirteen directors, who shall annually choose one out of their number as president, and which president and directors shall continue in office for one year, or until others are chosen in their room; in the choice of which directors, the stockholders and members of the said corporation shall vote according to the rule hereinafter mentioned: provided always, that seven of the directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the then president shall always be one.

Annual meeting of shareholders for choice of directors.

Proviso.

11. The directors for the time being shall have power to appoint such officers, clerks and servants, as they or the major part of them shall think necessary for executing the business of the said corporation, and shall allow them such compensation for their respective services as to the directors shall appear reasonable and proper; all which, together with the expenses of buildings, house rent and all other contingencies, shall be defrayed out of the funds of the corporation; and the said directors shall likewise exercise such other powers and authorities for the well-regulating the

Appointment of officers, clerks, &c. of bank.

affairs of the said corporation as shall be prescribed by the bye-laws and regulations of the same.

Seven directors to constitute a board.

12. Not less than seven directors shall constitute a board for the transaction of business, of which the president shall always be one, excepting in case of sickness, or necessary temporary absence, in which case the directors present may choose one of their board as chairman in his stead—that the president or such chairman shall vote at the board as a director, and in case of there being an equal number of votes for and against any question before them, the president or chairman shall also have a casting vote.

President may be compensated for services.

13. No director shall be entitled to any salary or emolument for his services; but that the stockholders and members of the said corporation may make such compensation to the president as to them shall appear reasonable and proper.

Holders of twenty shares eligible as directors.

14. No person shall be eligible as, or continue to be a director, unless such person is a stockholder, and holding and owning not less than twenty shares of the capital stock of the said corporation; and that no person shall be eligible as, or continue to be a director of the said corporation, who is a partner or member of, or a director in any other bank within this province, or a director of any other bank whatsoever. And if any director of the said corporation shall, while he is in office, cease to hold twenty shares in the said stock or shall become a partner or member of, or director in, any other bank whatsoever, such director of the said corporation shall forthwith go out of office and cease to be a director, and another director shall be chosen in his stead as hereinafter directed.

Cashier and clerks to give bonds.

15. Every cashier and clerk of the said corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved by the said directors, that is to say, every cashier in a sum not less than ten thousand pounds, with a condition for his good and faithful behaviour, and every clerk, with the like condition and sureties, in such sum as the directors shall deem adequate to the trust reposed in him.

Votes of stockholders.

16. The number of votes which each stockholder shall be entitled to on every occasion, when, in conformity to the provisions of this act, the votes of the stockholders are to be given, shall be in the following proportion, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding twelve, one vote, making six votes for twelve shares; for every three shares above twelve, and not exceeding thirty, one vote, making twelve votes for thirty shares; and for every five shares above thirty shares one vote: provided that the number of fifteen votes shall be the greatest that any stockholder shall be entitled to have.

Proxies.

17. All stockholders resident within this province or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient written authority from his constituent or constituents so to act: provided also, that no person shall hold more than three proxies.

18. No member of said corporation during one month, to be accounted from and after the passing of this act, shall be entitled to hold or subscribe for more than twenty shares of the said capital stock; that if the whole of the said capital stock shall not have been subscribed within one month, so to be accounted as aforesaid, that then, and in such case, it shall be lawful for any stockholders to increase his, her or their subscription to such amount as they shall think proper.

Shares not taken in one month.

19. The directors be, and they are hereby authorized to fill up any vacancy that shall be occasioned in the office of president, or in the board of directors, by the death, removal, resignation or absence from the province for three months, or any incapacity of the said president, or any of its members, and the person so chosen by the said directors shall serve until the next succeeding annual meeting of the stockholders.

Vacancies in direction.

20. Notwithstanding any real estate which the said corporation may at any time own or possess, the shares and interest of the stockholders of and in the stock, funds, property and estate, of the said corporation shall be, and shall be held, deemed and taken to be, personal property, to all intents and purposes whatsoever.

Shares considered personal property

21. As soon as the sum of fifty thousand pounds shall have been actually paid in on account of the subscriptions to the said stock, notice thereof shall be given in the royal gazette, and two other newspapers, published in Halifax, and the directors may commence with the operations and business of the bank of the said corporation: provided always, that no bank bills or bank notes shall be issued or put in circulation, nor any bill or note discounted at the said bank, until the said sum of fifty thousand pounds shall be actually paid in and received on account of the subscriptions, to the capital stock of the said bank.

When bank may commence business.

22. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable to the said corporation—that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable—that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said bank, or the same shall be transferred by act of law to any person or persons whatever, such stockholder shall cease to be a member of the said corporation.

Shares transferable.

23. The said corporation may conduct the business of banking in all its branches, except as is or may be otherwise prohibited by this act, and may lend money on cash accounts with personal security only, and may generally deal in bills of exchange, promissory notes, gold or silver coin or bullion, or in other the current monies of this province, or in the sale of goods really and truly pledged

Dealings of corporation.

for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed—which said goods and stock so pledged shall be sold by the said corporation at public sale at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock there shall be a surplus after deducting the money lent and interest, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

Joint stock liable to debts of corporation.

24. The joint stock or property of the said corporation shall alone be responsible for the debts and engagements of the said corporation, and that no person or persons who shall or may have dealings with the said corporation shall on any pretence whatsoever have recourse against the separate property of any present or future member of the said corporation, or against their persons, except in the cases specified in this act, further than may be necessary to secure the faithful application of the funds of the said corporation.

Loss by mismanagement of directors.

25. In case any loss or deficiency of the capital stock of the said corporation shall occur from the official mismanagement of the directors of the said bank, the persons who are stockholders at the time of such mismanagement shall, in their private and individual capacities, be respectively liable to pay the same, provided however that in no case shall any one stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him in addition to the stock so held by him.

Liability of share holders at expiration of this act.

26. The holders of shares or stock in the said corporation when this act shall expire or be repealed shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bonds, bills and notes which may have been issued by the said corporation and which may then remain unpaid, but only according to and in proportion to the share and interest which they may respectively hold in the capital stock of the said corporation at the time of such expiration or repeal.

Form of bank notes, &c.

27. Every bond, bank bill or bank note or other instrument by the terms of effect of which the said corporation may be charged or held liable for the payment of money, shall specially declare in such form as the board of directors shall prescribe that payment shall be made out of the joint fund of the said corporation.

Limitation of issue of notes.

28. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill or note, or other contract whatsoever, exclusive of the sum due on account of deposits, shall not exceed treble the amount of the capital stock actually paid in by the stockholders; nor shall there be due to the said corporation at any one time more than treble the amount of the capital stock paid in as aforesaid; and in case of any excess, the directors under whose administration and management the same shall happen shall be liable for such excess in their individual and private capacities: provided always that the lands, tenements, goods and chattels of the said corporation shall also be liable for such excess.

29. The directors shall make half-yearly dividends of all the profits, rents, premiums and interest of the said corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days' previous notice in the royal gazette and two other newspapers published in the town of Halifax, provided that the said directors shall not be compelled to make or declare any dividend at an earlier period than one year from and after the passing of this act, unless they shall think it expedient and advisable to make and declare a dividend at an earlier period.

Dividends to be made half-yearly.

30. The books, papers, correspondence and funds of the said corporation shall at all times be subject to the inspection of the directors; but no stockholder, not a director, shall inspect any books or the account of any individual with the said corporation.

Books, &c. of bank liable to inspection of directors.

31. All the bills or notes issued by the said corporation shall be signed by the president for the time being, and countersigned and attested by the cashier, and shall be printed and made in stereotype plates; and all bills or notes so signed and countersigned shall be binding on the said corporation, although not under their seal, which bills or notes shall be payable by the said corporation in gold or silver on demand: provided always that nothing herein contained shall extend or be construed to extend to authorize the said corporation to issue or put in circulation any bills or notes for a less sum than twenty-six shillings.

Notes by whom to be signed.

32. In case the officers of the said corporation in the usual banking hours at the said bank shall refuse or delay payment in gold or silver of any note or bill of the said corporation there presented for payment, the said corporation shall be subject to pay on the amount of such note or bill to the holder thereof twelve per cent. interest per annum from the day of such refusal to the time of payment.

Refusing to pay notes in gold or silver.

33. The said corporation shall be liable to pay to any bona fide holder the original amount of any note of the said bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

Counterfeited notes.

34. The said bank shall be kept and established at Halifax aforesaid, or at such other place as the board of directors may think it necessary to remove the said bank to, on account of any great emergency, for the security thereof.

Bank to be kept in Halifax, but may be removed.

35. The directors shall at the general meeting to be held on the first Wednesday in March in every year, lay before the stockholders, for their information, an exact and particular statement of the amount of debts due to and by the said corporation, the amount of bank notes then in circulation, the amount of gold and silver, and also of provincial treasury notes on hand, specifying the amount of each, and the amount of such debts as are, in their opinion, bad or doubtful; also the surplus or profit, if any remaining after deduction of losses and provisions for dividends,—which statement shall be signed by the directors, and attested by the cashier, and a duplicate statement so signed and attested, shall be transmitted to the

Statement of concerns to be submitted to annual meeting.

secretary of the province, for the information of his excellency the lieutenant-governor, or commander in chief for the time being: provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being directors, to inspect the account of any individual or individuals with the said corporation.

Bank concerns
may be investi-
gated by order
of governor, &c.

36. Any person or persons nominated and appointed by the lieutenant-governor, or commander in chief for the time being, or any joint committee hereafter to be appointed by the honorable the legislative council and the house of assembly, for the purpose of examining into the proceedings of the said corporation, shall at any time, either during the session or prorogation of the general assembly, have free access to all the books and vaults of the same—provided that no person shall have such access who is a member or partner in, or director of any other bank in the province, or a director of any other bank whatsoever, and that such person or committee shall not be authorized to inspect or investigate the account of any individual or individuals with the said corporation; and provided further, that no person shall be on the said joint committee who is a member in or director of the said corporation.

Capital of cor-
poration if dimin-
ished to one half.

37. If upon such examination or upon the exhibition of the yearly account of the debts due to and from the said corporation, and of the property and effects thereof, it shall appear to the satisfaction of the legislature of this province, if then in session, or to the lieutenant-governor, if the legislature be not in session, that the capital of the said corporation has been diminished by losses and bad debts, to one half of the amount of the capital or sum subscribed, that then the said corporation shall be dissolved, if the legislature be in session, by an act of the legislature of this province, to be forthwith passed for that purpose, or if the legislature be not in session, by proclamation to be forthwith issued by the lieutenant governor of this province, for that purpose.

Fifty sharehol-
ders or seven di-
rectors may call
general meetings.

38. Any number of the stockholders not less than fifty, who, together, shall be proprietors of five hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders, for purposes relating to the business of the said corporation, giving at least thirty days previous notice in the royal gazette and two other newspapers, printed and published in Halifax, and specifying in such notice the time and place of such meeting, with the objects thereof, and the directors, or any seven of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

Dissolution of cor-
poration.

39. On any dissolution of the said corporation immediate and effectual measures shall be taken by the directors then in office, for closing all the concerns of the said corporation, and for dividing the capital and profits which may remain, among the stockholders, in proportion to their respective interests: provided always, that notwithstanding such dissolution, it shall and may be lawful to use the said corporate name, style and capacity, for the purpose of suits,

for the final settlement and liquidation of the affairs and accounts of the said corporation, and for the sale and disposition of the estate, real, personal and mixed, thereto belonging, but not for any purpose, or in any other manner whatsoever, nor for a period exceeding four years after such dissolution; and that the directors in office at the happening thereof, shall, during the said four years, if necessary, continue in office, and shall be charged with, and shall take effectual measures for closing the concerns of the corporation, and dividing the remaining capital and profits among the stockholders, according to their respective interests.

40. This act shall continue and be in force for fifteen years, and from thence to the end of the then next session of the general assembly.

Continuation of act.

AN ACT TO AMEND THE ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE BANK OF NOVA-SCOTIA. 7 Wm. 4, cap. 73.

Passed 21st April, 1837.

Whereas by the fourteenth section of the act passed in the second year of his present majesty's reign, entitled, an act to incorporate sundry persons by the name of the president, directors and company of the bank of Nova Scotia—it is enacted, that no person shall be eligible as, or continue to be, a director of the said corporation who is a partner or member of, or director in, any other bank within this province, or a director of any other bank whatsoever—and it is expedient to remove such restriction :

Preamble.

1. *Be it enacted, &c.*, That from and after the passing of this act, it shall and may be lawful, during the continuance of this act, for the present or future directors of the bank of Nova-Scotia, or any of them, to be eligible as, and continue to be directors of such corporation, notwithstanding such directors may be partners or members of, but not if they shall at any time be also directors of, any other bank within this province, or of any other bank whatsoever.

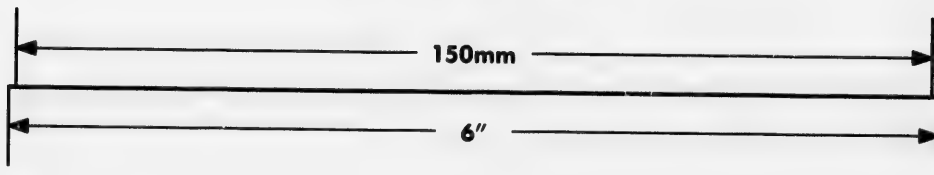
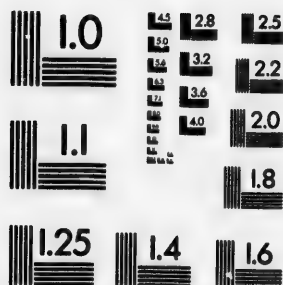
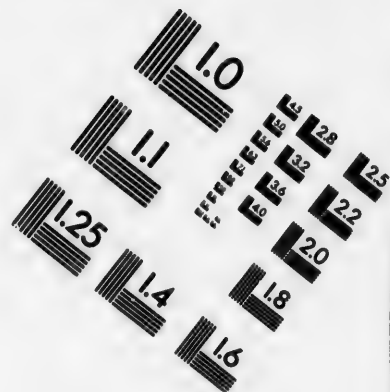
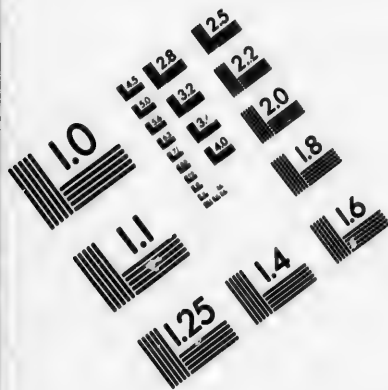
Directors of bank of Nova Scotia may be partners in other banking establishments.

2. This act shall continue and be in force for three years, and from thence to the end of the then next session of the general assembly.

Continuation of act.



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10 Vic., chap. 57. AN ACT TO CONTINUE AND ALTER THE ACT TO INCORPORATE THE BANK OF NOVA SCOTIA, AND THE ACT IN AMENDMENT THEREOF.

Passed 17th March, 1847.

Act of incorporation of bank of N. Scotia continued.

1. *Be it enacted, &c.*, That the act passed in the second year of the reign of his late majesty king William the fourth, entitled, an act to incorporate sundry persons by the name of the president, directors, and company of the bank of Nova Scotia, except as altered or amended by the act hereinafter mentioned, or by this act; and also the act passed in the seventh year of the reign of his said late majesty, entitled, an act to amend the act to incorporate sundry persons by the name of the president, directors, and company of the bank of Nova Scotia, shall be continued, and the said acts, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for ten years, and thence to the end of the then next session of the general assembly.

Returns of state of bank to be made twice a year.

2. The cashier of the said bank of Nova Scotia shall, twice in every year, that is to say, on the thirty-first day of January and thirty-first day of July, make a return of the state of such bank as it existed at the closing of the books on those days respectively, and he shall transmit the same, as soon as may be, not exceeding fifteen days thereafter, to the provincial secretary, for the purpose of being laid before the legislature at its next session—which returns respectively shall specify the amount then due from the bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the bank, designating in distinct columns the several particulars included therein, and the said returns shall be in substance as follows:

State of the bank of Nova Scotia, on the 31st day of ———,
A. D., 18—.

DUE FROM THE BANK.				RESOURCES OF THE BANK.									
Capital stock,				Gold, silver, and other coined metals in its banking house,									
Bills in circulation,				Real estate,									
Net profits on hand,				Bills of other banks incorporated in this province,									
Balances due to other banks,				Bills of all other banks,									
Cash deposited, including all sums deposited due from the bank not bearing interest, its bills in circulation, profits, and balances due to other banks excepted,				Balances due from other banks,									
Cash deposited bearing interest,				Amount of all debts due, including notes, bills of exchange, and all stocks and funded debts of every description, excepting the balances due from other banks,									
Total amount due from the bank,				Total amount of the resources of the bank,									
				Rate and amount of the last dividend,									
				Amount of reserved profits at the time of declaring the last dividend,									
				Amount of debts due to the bank secured by a pledge of its stock,									
				Amount of debts due and not paid and considered doubtful.									

Which returns shall be signed by the cashier of such bank, who shall make oath before some justice of the peace to the truth of every such return according to his best knowledge and belief, and one of the directors of such bank shall certify and make oath that the books of the bank indicate the state of facts so returned by the cashier, and that he has full confidence in the truth of said return, and no further or other returns shall hereafter be required from the said bank.

3. In every suit at law or in equity hereafter instituted against the said bank, service of process upon the president or cashier of the same, for the time being, or at the office of the said bank, shall to all intents and purposes be sufficient to compel the said bank to appear and plead to such suit.

Service of process in suit against bank.

4. An 7 number of stockholders, not less than twenty, who, together, shall be proprietors of two hundred and fifty shares in the said bank, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the said bank, giving at least six weeks notice thereof, in at least two of the public newspapers published in the city of Halifax, and specifying in such notice the time and place of such meeting, with the objects thereof.

Stockholders may call general meeting—notice thereof, &c.

5. If the total amount of all the notes of the said bank, issued and in circulation, shall at any one time exceed the amount fixed and determined by the act of incorporation of the said bank, the said act of incorporation shall cease and determine from the time when such excessive issue shall have accrued.

Act of incorporation to cease in case of excessive issue.

6. Nothing herein contained shall extend, or be construed to extend, to alter, abridge, or in any manner affect the provisions of the act passed in the fourth year of the reign of his late majesty

Act not to alter act of 4 Wm. 4th.

king William the fourth, entitled, an act concerning certain notes purporting to be bank notes, for restraining the circulation thereof, and for other purposes; but all the provisions of such act shall remain and continue applicable to the said bank of Nova Scotia in the same manner as heretofore.

To be in force ten years.

7. This act shall continue and be in force for ten years, and thence to the end of the then next session of the general assembly.

14 Vic., chap. 29. AN ACT IN FURTHER AMENDMENT OF THE ACTS INCORPORATING THE BANK OF NOVA-SCOTIA.

Passed 31st March, 1851.

Number of directors to be chosen at annual meetings of shareholders.

1. *Be it enacted, &c.*—At every annual meeting of the president, directors and company of the bank of Nova-Scotia there shall be chosen by the stockholders and members of the corporation in the manner prescribed by the act incorporating the company passed in the second year of the reign of William the fourth, nine directors instead of thirteen, and six instead of seven of the directors in office shall be re-elected, of whom the then president shall always be one; and not less than five instead of seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in the case of his sickness or temporary absence, in which case the directors present may choose one of the board as chairman.

Company may vote compensation to directors.

2. The company yearly, at any annual or general meeting, may, at its discretion, vote out of the profits of the business such money as they may deem adequate as a compensation for the services of the directors, to be paid in such manner as may be prescribed by resolution of the company.

Duration of act.

3. This act shall continue in force six years, and thence to the end of the then next session of the general assembly.

55 Geo. 3, chap. 19. AN ACT TO FACILITATE THE PASSAGE ACROSS THE HARBOR OF HALIFAX.

Preamble.

Whereas the using one or more steamboats, for the purpose of conveying passengers, horses, cattle and goods, across the harbor of Halifax would greatly facilitate the communication of the settle-

ments in the eastern parts of the province with the town of Halifax : and whereas, Charles Morris, Michael Wallace, Lawrence Hartshorne, Thomas Boggs and others, have proposed to raise, by private subscription, a sufficient sum of money for the purpose of procuring one or more steamboats, to be employed in transporting passengers, horses, cattle and goods, across the said harbor, provided the sole and exclusive right of using and employing the said boats upon the said harbor, shall be secured to the said Charles Morris, Michael Wallace, Lawrence Hartshorne, Thomas Boggs and others, for the term of twenty-five years :

1. *Be it enacted, &c.* That it shall and may be lawful for the governor, lieutenant-governor or commander in chief for the time being, by letters patent, under the great seal of this province, to incorporate the said Charles Morris, Michael Wallace, Lawrence Hartshorne, Thomas Boggs and others, and all and every other person or persons who, in their own right, or as executors, administrators or assigns of the original proprietors, at any time or times hereafter, shall have, and be entitled to, any part, share or interest, in the said steam boat or boats, so long as they shall respectively have any such part, share or interest, therein, to be one body, politic and corporate in deed and in name, by the name of the Halifax steam boat company, and by that name to have a succession, and to sue and be sued, to continue for the term of twenty-five years, and to have a common seal, with power from time to time to elect and choose a president and other officers as shall be by the said letters patent directed.

Steamboat company.

2. If the said Charles Morris, Michael Wallace, Lawrence Hartshorne, Thomas Boggs and others, shall within three years from the time of passing this act, furnish one good and sufficient steam boat, capable of containing and carrying at one time twenty passengers, and six horses, oxen or cows, and shall use and employ the said boat at all convenient times for the purpose of transporting and carrying passengers, horses or cattle across the said harbor of Halifax, it shall not be lawful for any other person or persons to use or employ any steam boat in or upon the said harbor for the aforesaid purposes during the aforesaid term of twenty-five years.

Exclusive privilege allowed to steamboat company.

3. The sole right of using steam boats for the purposes aforesaid, hereby secured to the said Charles Morris, Michael Wallace, Lawrence Hartshorne, Thomas Boggs and others, shall continue for the term of twenty-five years and no longer : provided always, that if the said Charles Morris, Michael Wallace, Lawrence Hartshorne, Thomas Boggs and others shall not procure at least one good and sufficient steam boat of the above description within the time before limited, or if they shall discontinue the use of the said boat and not employ it for the before mentioned purposes, for the space of three months unless prevented by unavoidable accidents, that then the said sole right of using such boats upon the harbor of Halifax shall cease and determine : and provided always that nothing herein contained shall prevent any person from keeping and using ferry boats as now practiced.

Term of exclusive privilege.

Proviso.

Ferry boats.

56 Geo. 3, chap.
20.

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT PASSED IN
THE FIFTY-FIFTH YEAR OF HIS MAJESTY'S REIGN, ENTITLED,
AN ACT TO FACILITATE THE PASSAGE ACROSS THE HARBOR
OF HALIFAX.

Preamble.

Whereas the provisions of the before mentioned act relate to steam boats only; and whereas it is yet uncertain whether steam boats will be more useful than boats, whose machinery is moved by a different power :

Substitute for
steamboat.

1. *Be it therefore enacted, &c.,* That it shall be lawful for the said steam boat company, under and subject to the same conditions, provisos and limitations as in the same act are contained with respect to the steam boat therein mentioned, to furnish and substitute, if they shall deem it expedient, in the lieu and stead of the said steam boat, any other boat of a sufficient size and capacity, constructed so as to acquire and receive its motion through the water by the force of horses or any other cattle, or of any other power whatsoever applied to its wheels, and other machinery; and also to use and employ the last mentioned kind of boat during the whole or any part of the term of twenty-five years in the said act mentioned.

Exclusive privilege allowed conditionally.

2. It shall not be lawful for any person or persons other than the said company, to use or employ any boat of the kind and construction last mentioned in the transportation of passengers, cattle or goods in or upon the waters of the said harbor of Halifax during the said term of twenty-five years, unless the said company shall within the time limited in the said act for so doing neglect to provide either a steam boat or other boat of the kind above specified, or discontinue to use either of the said kinds of boats during three months at any one time for any other cause than unavoidable accidents.

10 Geo. 4, chap.
46.

AN ACT RELATING TO THE HALIFAX STEAM BOAT COMPANY.

Preamble.

Whereas by an act passed in the fifty-fifth year of his late majesty's reign, entitled, an act to facilitate the passage across the harbor of Halifax, the governor, lieutenant-governor or commander in chief for the time being was authorized by letters patent under the great seal of the province, to incorporate certain persons named in the act to be, with their associates, a body, politic and

corporate, by the name of the Halifax steam boat company, to continue for the term of twenty-five years, with certain rights and privileges in the said act particularly set forth; and whereas in pursuance thereof letters patent under the great seal of the province were issued, bearing date the first day of January, in the year of our Lord one thousand eight hundred and seventeen, whereby the associates for the undertaking in the said recited act referred to were incorporated by the name and in the manner therein mentioned, and now hold and enjoy the privileges aforesaid; and whereas although the said company have hitherto received no returns whatsoever for the large capital invested in the undertaking, the said company have now made arrangements for establishing a sufficient steam boat on the said ferry for the transport of passengers, horses, cattle and carriages across the same; and inasmuch as the said steam boat will occasion further and large advances, it is deemed reasonable to extend the term of years for which the aforesaid charter was granted:

1. *Be it therefore enacted, &c.,* That the said Halifax steam boat company, and all the rights, privileges, powers and authorities therein vested, subsisting and being, and now held and enjoyed by the said company under and by virtue of the said in part recited act and of the letters patent aforesaid, shall remain, continue and endure from and after the expiration of the term of twenty-five years mentioned in the said act and letters patent for and during and unto the full end and term of twenty-five years thence next ensuing, and fully to be complete and ended, and in as full and ample a manner and to all intents and purposes as effectually as if the term of fifty years had been originally mentioned in the said act and letters patent.

Powers and rights of the corporation extended 25 years.

2. This act shall be of no force or effect unless the said company, within eighteen months from the publication hereof, shall have procured and placed on the said ferry a sufficient steam boat for the accommodation and passage of all persons, cattle and carriages across the same, and shall, unless prevented by unavoidable accidents, keep and maintain such, or some other sufficient steam boat in operation thereon during the continuance of their said charter as extended by this act.

Act to have no effect unless a steamboat be established within 18 months.

3. During such period the said company do and shall be subject and liable to such rules and regulations as the justices assigned to keep the peace at Halifax shall ordain and establish with respect to the rates and fares demandable in the said ferry, and respecting the small passage boats kept or to be employed on the said ferry by the said company.

Regulations to be made by the justices of Halifax.

4. If, in consequence of the increasing population of the country or of any other sufficient reason, it shall hereafter be necessary for the accommodation of the public that another boat or boats should be employed for the purposes aforesaid, it shall and may be lawful for the governor, lieutenant-governor or commander in chief from time to time, by and with the advice and consent of his ma-

If population increases lieutenant governor may order more boats to be provided.

jesty's council, to order and direct the said company to procure one or more fit and proper steam boat or team boats to be used for the purpose aforesaid, which steam boat or boats shall be under the direction of the justices in session in the same manner as is directed by the said act hereby continued; and if the said company shall not procure, equip and employ such boat or boats within two years after such order shall be made, then it shall and may be lawful for any person or persons, being licensed therefor, to procure, equip and employ any steam or team boat for the purpose of transporting passengers, horses, cattle, carriages and goods across the said harbor in the same manner as if the said act had not been made.

12 Vic., chap. 45.

AN ACT CONCERNING THE HALIFAX STEAM BOAT COMPANY.

Passed 31st March, 1849.

Company to be subject to rules of sessions.

1. *Be it enacted, &c.*, That the Halifax steam boat company, during their term of incorporation, or any extension thereof, shall be subject and liable to such rules and regulations as the justices in their general or quarter sessions at Halifax shall ordain and establish, not only with respect to the rates and fares demandable on the ferry, and respecting the small passage boats, as now by law provided, but also with regard to the number of trips and times of starting of their steamers.

14 Vic., chap. 10. AN ACT TO INCORPORATE THE HALIFAX AND ANNAPOLIS STEAM NAVIGATION COMPANY.

Passed 31st March, 1851.

Halifax and Annapolis steam navigation company incorporated.

1. *Be it enacted, &c.*,—William Murdoch, Jonathan C. Allison, James N. Shannon, Peter McKay, Robert H. Bath, John Tucker, Benjamin Ellenwood, and such other persons as now are or hereafter may become shareholders in the company hereby established, shall be a body corporate, by the name of "the Halifax and Annapolis steam navigation company," for the purpose of establishing a regular and efficient steam communication between Halifax and Annapolis, touching at intermediate ports.

2. The corporation may hold real estate for the use of the company, not exceeding the value of five thousand pounds.

May hold real estate not exceeding £5000.

3. The capital stock of the company shall be the sum of eight thousand pounds over and above the value of the real estate, to be divided into shares of ten pounds each, but the company may, by their bye-laws, increase their capital to twenty thousand pounds.

Capital £8000,
not to exceed
£20,000.

4. No member of the corporation shall be liable in his person, or separate estate, for a greater amount in the whole than double the amount of stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Members liable
for double the
amount of their
stock, deducting
what has been
paid to company.

5. The company shall not go into operation until the whole stock shall have been subscribed, and one quarter thereof actually paid in on account of the capital stock.

Operations sus-
pended until
stock all subscri-
bed and a quarter
paid.

Fourth section appropriation act.

14 Vic., chap. 1.

GRANT.

4. The sum of five hundred pounds a year, for three years, is hereby granted and placed at the disposal of the governor, to aid the Halifax and Annapolis steam navigation company in their undertaking—to be drawn and applied when it shall appear to the satisfaction of the governor in council that the company have kept a steamer, of not less than ninety horse power, employed on the line between Halifax and Bridgetown, touching at Lunenburg, Liverpool, Shelburne, Yarmouth, Westport, Digby and Annapolis, three times a month, for six months, and twice a month for three months, in each year. The performance of the above conditions to be dispensed with in the winter months, whenever ice or winter storms shall prevent the performance of the service.

Grant to Halifax
and Annapolis
steamboat com-
pany.

AN ACT TO INCORPORATE THE SYDNEY STEAM BOAT COMPANY.

14 Vic., chap. 23.

Passed 31st March, 1851.

1. *Be it enacted, &c.*—Richard Brown, Edward Carr, Thomas D. Archibald, and such other persons as now are, or from time to time may become shareholders in the company hereby established, shall be a body corporate by the name of the "Sydney steam boat company."

Names of mem-
bers incorpora-
ted.

2. The company may build, purchase and employ one or more steam boats, of such size and power as they may see fit, as ferry boats, packets or tug boats, in and about Speich River, the Bras d'Or Lake and elsewhere in Cape Breton.

Boats may ply as
ferry, packet, or
tugs, in Cape Bre-
ton.

3. The capital stock of the company shall be one thousand five hundred pounds, which may be increased from time to time by the

Capital £1500,
may not exceed
£5000.

Shares to be £5 each.

Company may hold real estate not exceeding £1000.
Liability of members.

160 shares to be subscribed, and £500 paid in before commencement of operations.

bye-laws to any sum not exceeding five thousand pounds, to be divided into shares of five pounds each.

4. The company may hold real estate not exceeding the value of one thousand pounds.

5. No member of the company shall be liable in his person or separate estate for a greater amount in the whole than double the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

6. The company shall not go into operation until one hundred and sixty shares shall have been subscribed, and the sum of five hundred pounds actually paid in on account thereof.

51 Geo. 3, chap. 25.

AN ACT FOR THE ENCOURAGEMENT OF INLAND NAVIGATION.

Preamble.

Whereas the opening a communication by means of locks, between the head of Cape Forchu harbor and Lake George, through the several intervening lakes, would be of great service to the neighboring settlers and to this province in general, as well by facilitating the carriage and transportation of wood, lumber, and other heavy articles in boats and by rafts from the interior of the country to the place of shipment as by carrying the produce of the sea coast to the inland settlers; and whereas Anthony Landers, John Killum, junior, Samuel Marshall, Jacob Tedford, John Killum, senior, Richard Patten, Benjamin Pitman, Cyrus Parry, Thomas Byrn, William Saunders, Henry Saunders, Hugh Conn, David Landers, Thorndike Landers, Joshua Crosby, Jonathan Tremain, junior, John Wenman Pyke, Thomas Cuff, Joseph Tooker, James Jenkins, Thomas Parry, Thomas Dane, John Trask, junior, Nehemiah Patch, Jonathan Strickland, Jabez Landers, Lemuel Crosby, John T. Phillips, John Raymond, Thomas Wilson, Miner Huntington, Christopher Strickland, John Patch, John Jenkins, Eliakim Killum, Nathaniel Saunders, William Critchton, Joseph Norman Bond, James Bond, Richard Fletcher, Nathaniel Allen, Nehemiah Porter, senior, Benjamin Scott, Eleazer Butler, Ansel Crosby, Nehemiah Porter, junior, Theophilus Crosby, and David Flynt, residing in the township of Yarmouth, have associated themselves, and subscribed the sum of five hundred pounds as a capital stock for the purpose of opening and establishing such communication:

Incorporation of individuals.

1. *Be it enacted, &c.*, That the said Anthony Landers, John Killum, junior, Samuel Marshall, Jacob Tedford, John Killum,

senior, Richard Patten, Benjamin Pitman, Cyrus Parry, Thomas Byrn, William Saunders, Henry Saunders, Hugh Conn, David Landers, Thorndike Landers, Joshua Crosby, Jonathan Tremain, junior, John Wenman Pyke, Thomas Cuff, Joseph Tooker, James Jenkins, Thomas Parry, Thomas Dane, John Trask, junior, Nehemiah Patch, Jonathan Strickland, Jabez Landers, Lemuel Crosby, John T. Phillips, John Raymond, Thomas Wilson, Miner Huntington, Christopher Strickland, John Patch, John Jenkins, Eliakim Killum, Nathaniel Saunders, William Crichton, Joseph Norman Bond, James Bond, Richard Fletcher, Nathaniel Allen, Nehemiah Porter, senior, Benjamin Scott, Eleazer Butler, Ansel Crosby, Nehemiah Porter, junior, Theophilus Crosby, and David Flynt, and their assigns, are and shall hereafter be incorporated for the purpose of carrying the object of their association into effect, and shall have power and authority to divide their said capital stock into one hundred equal shares, and annually from year to year, by consent of a majority of the proprietors of the said shares, to increase the said capital stock to any amount not to exceed five thousand pounds, and shall and may, at an annual meeting of said proprietors, by a majority of votes, proceed to choose and appoint five directors, being proprietors, for the government and conduct of their affairs, pursuant to rules and regulations to be made by the major part of said proprietors at their said annual meeting, which said five directors, or the major part of them, shall have power to appoint one clerk and one treasurer for the said proprietors, and shall meet together once in every month for the purpose of examining the books and accounts of said clerk and treasurer, and for the purpose of concerting such measures as shall be deemed expedient relative to the interest of the proprietors; and at the expiration of the year for which the said directors shall be appointed, or within ten days after the expiration of the said year, the said directors shall, by public advertisement, notify the proprietors to attend at some convenient place in Yarmouth for the purpose of revising the rules and regulations to be adopted for the government and conduct of their said affairs, and for the purpose of electing directors for the ensuing year, at which said meeting the senior directors, late in office, shall preside, and shall cause the account of the said company, fairly stated, and the books and entries of the clerk and treasurer, to be laid before the said proprietors for their inspection.

2. The said directors shall and may have power and authority to erect one or more locks, dams, wears and water gates, with the necessary appendages, and to cut canals or deepen the water at the places of junction of the said lakes, beginning at the falls at the head of Cape Forchu harbor and ending at Lake George; and the said locks, dams, wears and water gates, with their appendages, not extending beyond the margin of the solid land at high water mark, as is now situated, together with the right of way and a passage over and through the said locks, dams, wears and water

Directors.

Clerk and treasurer.

Meeting of directors.

Meeting of proprietors.

Accounts.

Power of directors.

Locks, dams, &c.

Majesty's troops or stores.	gates, shall be the sole and exclusive property of the said Anthony Landers, John Killum, junior, Samuel Marshall, Jacob Tedford, John Killum, senior, Richard Patten, Benjamin Pitman, Cyrus Parry, Thomas Byrn, William Saunders, Henry Saunders, Hugh Conn, David Landers, Thorndike Landers, Joshua Crosby, Jonathan Tremain, junior, John Wenman Pyke, Thomas Cuff, Joseph Tooker, James Jenkins, Thomas Parry, Thomas Dane, John Trask, junior, Nehemiah Patch, Jonathan Strickland, Jabez Landers, Lemuel Crosby, John T. Phillips, John Raymond, Thomas Wilson, Miner Huntington, Christopher Strickland, John Patch, John Jenkins, Eliakim Killum, Nathaniel Saunders, William Crichton, Joseph Norman Bond, James Bond, Richard Fletcher, Nathaniel Allen, Nehemiah Porter, senior, Benjamin Scott, Eleazer Butler, Ansel Crosby, Nehemiah Porter, junior, Theophilus Crosby and David Flynt, their associates and assigns, free passage for his majesty's troops, and for all or any of his majesty's military stores alone excepted; provided always that the way and passage over and through the said locks, dams, wears and water gates, at convenient times and seasons, shall not be denied to any other of his majesty's subjects with their boats, vessels and goods, after payment or tender of the toll or pass-money which shall hereafter be annually imposed and established by the said directors, which toll or pass-money, in case of just complaint, shall thereafter forever be regulated by the legislature of this province: and provided also that no damage be done to any particular person in his land or property without due recompense to be made by the persons hereby incorporated, and their successors, as they and the parties interested may agree or as shall be ordered by the justices in general sessions upon enquiry into the same by a jury to be summoned for that purpose.
Proviso.	3. The said directors so to be chosen and appointed shall be and they are hereby incorporated as a body politic, by the name of the directors of the Yarmouth lock and canal proprietors, and as a body corporate to sue and be sued in any or either of the courts of law or equity in this province, by the same name to purchase and hold lands, tenements and hereditaments appropriate and convenient for the said lock and canal proprietors, provided the said lands do not exceed two hundred acres in the whole nor more than one hundred acres in one place.
Toll or pass-money.	4. At the annual meetings of the said proprietors hereafter to be held, each person shall be received and entitled to give one vote for each and every share held by such person, and that no person shall be entitled to vote in right of any property which does not amount to one entire original share of the said capital stock; and also it is hereby provided that no vote shall be binding on any of the proprietors unless two-thirds of the said proprietors shall be present in person or by proxy.
Encroachments on others' lands.	5. Anthony Landers, Jacob Tedford, William Saunders, John Killum and Miner Huntington shall be and they are hereby con-
Name of corporation.	
Voting.	
Directors for this year.	

stituted and appointed directors of the Yarmouth lock and canal proprietors for and during the present year of our Lord one thousand eight hundred and eleven; and shall in convenient time after the publication of this act call a meeting of the proprietors, and proceed to put this act in operation according to its true intent and meaning, for the benefit of said proprietors and for carrying the object of the association into effect.

Meeting of proprietors.

AN ACT IN AMENDMENT OF AN ACT PASSED IN THE FIFTY-FIRST YEAR OF HIS PRESENT MAJESTY'S REIGN, ENTITLED, AN ACT FOR THE ENCOURAGEMENT OF INLAND NAVIGATION.

56 Geo. 3, chap. 10.

Whereas the directors of the Yarmouth lock and canal proprietors are prevented from carrying into effect the good purposes for which said proprietors were incorporated, by reason of the absence of so many of the said proprietors, who neglect to provide proxies, that two-thirds of the said proprietors cannot be got together in person or by proxy, as by the fourth section of the act of which this act is an amendment, is required—for remedy whereof:

Preamble.

1. *Be it enacted, &c.*, That in all future meetings of the proprietors of the said company, the vote of two-thirds of such proprietors as shall be present in person or by proxy at such meetings, not being less than fifteen in number, shall bind all the proprietors: provided, that in addition to the notice now required by law to be given of such meeting, one month previous notice of such meeting shall also be advertised in the royal gazette of this province.

All canal proprietors bound by the vote of two-thirds at any meeting.

Notice of meeting.

AN ACT TO INCORPORATE A COMPANY, TO BE CALLED THE ST. PETER'S CANAL COMPANY.

3 Vic., chap. 35.

Passed 27th March, 1840.

Whereas it would be highly advantageous for navigation, and be productive of important beneficial results, as well to the Island of Cape Breton, as to this province in general, if a ship canal were opened from the bay of St. Peter's to the Bras d'Or lake, across the isthmus of St. Peter's, in the said Island of Cape Breton; and whereas it is desirable that the opening of the said canal should be undertaken with as little delay as may be, and that an act should be passed to incorporate a company for that purpose:

Preamble.

Incorporation of
St. Peter's canal
company—pow-
ers and privi-
leges.

Company may
purchase, sell or
demise lands, te-
nements, ships,
&c.

Capital of compa-
ny.

Shares.

Shares deemed
personal estate.

Canal may be
opened—basins,
&c. constructed.

Course of canal
vested in com-
pany.

1. *Be it therefore enacted, &c.,* That Charles Dickson Archibald, Thomas Laurrie Murray, John MacNeil, Richard Smith, James Mallock and George Handley, and all other the persons who shall become adventurers in, or parties to, the said undertaking, and possessed of any share or shares therein, their executors, administrators and assigns, shall be, and are hereby declared to be, one body, politic and corporate, in deed and in name, under the title of "the St. Peter's canal company," and by that name shall have perpetual succession, and a common seal, and by that name shall sue and be sued, implead and be impleaded, in all courts of law and equity within this province.

2. The said company shall and may take, purchase and hold, any lands, tenements and hereditaments, ships, vessels, steam boats, craft, chattels and effects, to the value of thirty thousand pounds, and may also sell, alien, demise, or otherwise dispose of, the said lands, tenements and hereditaments, ships, vessels, steam boats, craft, chattels and effects, from time to time, as they may deem fit and expedient for the advantage of the said company.

3. The capital or joint stock of the said company shall consist of thirty thousand pounds of lawful money of Nova Scotia, to be divided into three hundred shares of one hundred pounds each, which shall be numbered in arithmetical progression, beginning with number one, and shall be transferable and conveyed according to the regulations and bye-laws of the said company, to be made, passed and established as hereinafter mentioned, and that the said shares shall be deemed to be personal estate, and not of the nature of real property.

4. It shall and may be lawful for the said company to cut and open a sufficient canal and water course, of such breadth, depth and dimensions as they may deem fit and necessary, and in such line and direction as may be most practicable and convenient for the purpose of making a navigable channel for ships, vessels, steam boats, craft and timber, to and from the waters of the said St. Peter's bay, to the said Bras d'Or lake, in the said island of Cape Breton respectively, and to dig and construct all such chambers, basins, reservoirs, locks, dams, sluices, weirs and embankments, and to form and erect such piers, jetties, quays, wharves and other works, as may be necessary to render the said canal secure, useful and beneficial to the public and the said corporation, and generally to do all such other things as may be requisite and necessary for the effectual completion and perfection of the said undertaking.

5. The course of the said canal, and the said reservoirs, locks, dams, piers, jetties, quays, wharves, and appurtenances, and all lands or real estate, purchased or obtained for the said company, subject to the conditions and reservations, contained in the conveyances or agreements for the purchase thereof, shall be, and the same are hereby declared to be, vested in the said corporation, in fee simple for ever.

6. The said canal, locks and towing paths, shall be free and open

to all her majesty's subjects, at all convenient times and seasons, with their ships, vessels, boats, rafts, goods and merchandize, after payment of the toll or pass money, which may be established and ordained by the said corporation.

Canal to be free to her majesty's subjects upon payment of toll.

7. A general meeting of the said company shall be held annually, on the first Monday of May, in each and every year, at some convenient place in the town of Halifax, and that upon any particular emergency, or whenever the affairs of the said company shall require, it shall and may be lawful for the directors to be nominated and elected as hereinafter mentioned, or any three of them, to summon a special general meeting—provided at least ten day's notice thereof, and of the object of such special meeting, shall be given in some two of the public newspapers published at Halifax aforesaid, and that all such general meetings may be adjourned from time to time, and from place to place, as may be found expedient.

Meetings of company.

8. At the first or such other general meeting as may be most expedient, the shareholders in the said company, provided there shall then and there be present the holders, or representatives of the holders, of at least one hundred shares, shall proceed to nominate and elect seven of the said shareholders, each of whom shall be entitled, in his own right, to at least five shares in the capital or joint stock of the said corporation, to be directors for the management of the affairs of the said company, and all acts, matters and things, which the said directors may, by any of the provisions of this act, be authorized to do, shall and may be done by any three of them, and that the said directors not being removed or disqualified, and not resigning, shall continue in office until the annual general meeting of the said company, which shall next be held after the said election, or until their successors or successor shall at some general meeting be nominated and appointed, as hereinafter provided.

Choice of directors—term of office, &c.

9. At the second, and each and every subsequent general annual meeting to be held on the said first Monday of May in each and every year, or at any adjournment thereof, three of the said directors, to be determined by drawing lots for that purpose, shall go out of office, and cease to be directors of the said company, and their places shall be filled by shareholders, duly qualified and elected as aforesaid: provided nevertheless, that all and every director who shall, by lot, so cease to be in the direction of the said company, being duly qualified as aforesaid, shall be immediately, or at any subsequent annual general meeting, eligible thereto.

Three directors retire annually from office—places to be supplied.

10. No person concerned or interested in any contract under the said company, shall be capable of being chosen, or being chosen, of continuing a director of the said company; and no person, during such time as he shall be such director, shall be capable of taking any contract under the said company.

Proviso.

Shareholders contracting with company incapacitated from being directors.

11. When and so often as any director named or elected, by virtue of this act, shall die, or shall resign, or shall become disqualified or incompetent to act as such director, or shall cease to be

Vacancies in the direction, how supplied.

a director by any other cause than that of going out of office as aforesaid, it shall be lawful for the remaining directors, and they are hereby required within twenty-one days after such vacancy shall have arisen, to elect some other proprietor, duly qualified as before mentioned, to fill up such vacancy.

Meetings for choice of directors may be adjourned for want of sufficient attendance.

12. If at any general, annual, or special meeting, there shall not be present the holders or representatives of the holders or proprietors of at least one hundred shares in the said undertaking, within two hours of the time appointed for such meeting, no choice of directors shall be made, nor shall any business be transacted; but in such case there shall be an adjournment of the said meeting to some day and place then and there to be named, and so from time to time, as often as the same shall happen, until at some adjournment of such general meeting there shall be a sufficient number of proprietors or their representatives present, to proceed to business, and the directors for the time being shall continue to act, and have the same powers as they had and were possessed of, until new directors shall be appointed as aforesaid.

Voting.

13. All persons who shall have duly subscribed for, or become entitled to one or more share or shares in the capital of the said undertaking, and their respective executors, administrators or assigns, shall have one vote for every such share: provided always, that no persons shall have more than five votes, and such vote or votes may be given by such respective parties in or by their respective proxies, all such proxies being proprietors of shares in the said undertaking, constituted under their hands, according to the form hereto annexed, or any other sufficient appointment, and every such vote or votes by proxy, shall be good and sufficient to all intents and purposes, as if the principal had voted in person, and every question, matter or thing, which shall be proposed in general or special general meeting of the said company, shall be determined by the votes of the majority of the voters and proxies then present, and at every such meeting the chairman thereof shall and may not only vote as a principal and proxy, but in case of an equality of votes, shall and may also have the decisive or casting vote, and the appointment of every such proxy may be made according to the following form, or as near thereto as circumstances will admit, that is to say:

A. B., of _____, one of the proprietors of "the St. Peter's canal company," doth hereby appoint C. D., of _____, to be his proxy, to vote at any general or special meeting of the said company, as he the said C. D., shall think proper, according to his judgment, for the benefit of the said undertaking, or anything appertaining thereto. In witness whereof, the said A. B. hath hereto set his hand, this _____ day of _____, A. D. 18—

Capital of company may be increased.

14. In case the capital or sum of money hereinbefore specified shall be found insufficient for carrying into effect the purposes by this act authorized, then and in such case it shall and may be lawful for the said company to raise and contribute among themselves

or by the addition of new subscribers, or by mortgage or otherwise as they shall see fit, such other and further sum not exceeding twenty thousand pounds as may be necessary for completing and perfecting the said undertaking.

15. The said directors who shall first be appointed under the provisions of this act, shall with all convenient speed proceed to draw up a code of bye-laws, rules and regulations for the government of the said company and the conduct and management of its affairs and business, and shall submit the same to be altered, amended and confirmed at some general meeting of the said company to be summoned for this purpose.

Bye laws, rules, &c. to be established.

16. The directors for the time being, over and above the powers and authorities specially conferred by this act, or the bye-laws of the said company, shall have the custody of the common seal of the said corporation, and shall have authority to meet and adjourn, from time to time, and from place to place, and to call special general meetings of the said company, at such times and places, and for such purposes as they may think proper, three of the said directors being present at every such meeting, and shall have full power and authority to direct and establish the form and mode of subscribing for shares, and the certificates, registering, sale, assignment, and transfer thereof, and the modes and times for payment thereof, or for any proportion thereof, and to direct and manage all other the affairs of the said company, and for that purpose to contract for and purchase in fee simple or otherwise, or take on lease or sell, demise, or otherwise dispose of and convey any lands, tenements and hereditaments, and to build, purchase and employ, any ships, vessels, steam boats and craft, which may be necessary or expedient, and to direct, manage, and control the works of the said company, and to appoint a treasurer and secretary, or clerks, engineers, or other necessary officers, with such salaries, recompenses and allowances, as to the said directors shall seem proper, and the same from time to time to displace, and others to re-appoint, as occasion may be, and to contract and agree in such way and manner, and with such person or persons as they shall see fit, for the works of the said canal, and the parts, members and appurtenances thereof, and the materials therefor; and the said directors may require from all and every officer and servant of the said company, and every engineer, contractor and undertaker, such security for the faithful and effectual performance of his duty, contract or agreement, as they may think proper, and shall and may ordain and establish the toll or pass money to be paid by or for, or in respect of every ship, steam boat, craft, lighter, raft, goods and merchandize, passing or entering the said canal, or its appurtenances, and the times and modes of passing and navigating the same, and to fix, declare, pay and distribute, the dividends, income and profits, of the said company, to and among the proprietors thereof, when and how, and as they may think fit and proper; and the said directors shall keep a regular minute and entry of all their proceedings at every meeting of

Powers and duties of directors.

Directors to report their proceedings.

the said directors, and report the same to the said annual general meetings or special meetings of the said company, and shall obey their orders or directions; and the said directors shall keep full and true accounts of all monies disbursed, and payments made by them, and by all persons employed by or under them, and of all monies which they shall or may from time to time receive on behalf of or in respect of the said undertaking, and shall regularly enter into some book or books for this purpose to be provided, notes, minutes or copies, as the case may require, of every such appointment, contract, bargain, agreement, receipt and disbursement, and all other their orders, proceedings and transactions: which book or books shall remain under the care and direction of the said directors, but shall nevertheless at all convenient times, be open to the inspection of the shareholders and proprietors of the said company; and the said directors are hereby declared to possess all other powers and authorities which shall or may be requisite and necessary for the efficient and beneficial conduct, management, and control of all such undertakings and speculations, matters and things, as the said company can or may engage in and carry on, under and by virtue of the provisions hereof.

Calls of money from shareholder.

17. The said directors shall have power from time to time to make such calls of money from the subscribers to, and proprietors of the said undertaking, as they shall find necessary; and every owner of any share in the said undertaking shall pay his or her rateable proportion of the monies to be called for as aforesaid, to such person, and at such times and places as the said directors shall appoint; and if any owner of any such shares shall not so pay his or her rateable proportion, then, and in such case, and so often as the same shall happen, such owner shall pay interest for the same, after the rate of six pounds per centum per annum, from the day appointed for the payment thereof, up to the time when the same shall be actually paid; and if any owner of any such share shall neglect or refuse to pay his or her rateable proportion, together with interest, if any accrue, for the space of three calendar months from and after the day appointed for the payment thereof, then it shall be lawful for the said company to sue for and recover the same in any of her majesty's courts of record within this province, and in any action to be brought by the said company for this purpose, it shall be sufficient for the said company to declare and allege that the defendant, being the proprietor of so many shares in the said undertaking, is indebted to the said company, in such sum or sums of money as the calls in arrear shall amount to, whereby an action hath accrued to the said company by virtue of this act, without setting forth the special matter; and on the trial of such action, it shall only be necessary, in order to obtain judgment for the said arrears and interest thereon, to prove by the clerk or other officer, or by the production of the books of the said company, that the defendant was a proprietor of some share or shares in the said undertaking, and such calls were in fact made, and due notice thereof

given; or the said directors may, and they are hereby authorized to declare the share or shares of any person refusing or neglecting to pay such calls, together with interest, for the space of three months as aforesaid, to be forfeited and sold, and transferred at such times, and in such way and manner, as the said directors, or the bye-laws of the said company, shall direct and appoint.

18. No person shall sell or transfer any share which he or she may hold, or be entitled to in the said undertaking, after any call shall have been made for any sum of money in respect of such share, unless he or she at the time of such transfer or sale shall have paid the full sum of money which shall have been called for, in respect of each share so to be sold or transferred.

Transfer of shares

19. No proprietor or shareholder in the said company shall be or become responsible, chargeable or accountable, by any ways or means whatever, for any other or greater sum of money than the amount of the share or shares which he shall actually and bona fide possess or be entitled to in the capital or joint stock of the said corporation.

Liability of shareholders.

20. The said canal and its appurtenances shall be, and the same are hereby declared to be, exempt and discharged from the payment of any poor and county rates, or other public or local taxes, rates, or assessments whatever, until such time as a dividend or dividends of profits on the joint stock or capital actually paid in, equal to six per cent. per annum, or upwards, shall have been declared and actually paid.

Canal, &c. exempted from taxes until dividend of six per cent. is declared and paid.

AN ACT TO AMEND THE ACT TO INCORPORATE THE ST. PETER'S CANAL COMPANY.

14 Vic., chap. 32.

Passed 7th April, 1851.

1. *Be it enacted, &c.*—The persons mentioned in the first section of the act third Victoria, chapter thirty-five, or any two or more of them, together with such persons as may hereafter become shareholders, shall constitute the company thereby incorporated.

Amenda 3 Vic., c. 35, s. 1.

2. The capital stock of the company shall consist of twenty thousand pounds, to be divided into shares of five pounds each, which shall be numbered in regular progression, and every director of the company shall be the holder of at least forty shares in the company.

Capital £20,000.

Shares £5.

Directors to hold 40 shares.

3. The annual general meetings of the company after the first meeting shall be held at Halifax or St. Peter's as may be directed by the bye-laws; but no officers shall be elected, nor shall any business be transacted at any general meeting unless there be present fifteen shareholders holding five hundred shares at least in the capital stock.

Annual meeting.

Company may
take possession of
lands required.

Disputes to be
settled with prop-
rietors by arbi-
tration.

Company may
use uncultivated
lands.

Accounts of com-
pany to be sub-
mitted to legisla-
ture.

Tolls to be regu-
lated by lieut. go-
vernor.

14 Vic., chap. 1.

Grant to St. Pe-
ter's canal com-
pany.

4. The company, if they should fail in agreeing with the parties owning the land required for the purposes of the canal, may enter upon and take possession of such portion as they may require of the Isthmus which separates the waters intended to be connected, and extending across the same until it meets the public domain on each side, but not exceeding five hundred feet in width, and also such moderate quantity of land not exceeding one acre at each end of the canal, to be selected by the company, as may be necessary for the buildings, wharves and other necessary purposes of the canal, and may hold the same for the use of the company; and if the parties owning the land refuse to convey the same on request and to accept the sum offered to them therefor by the company, the disputes so arising shall be settled by arbitration in the manner prescribed in the eighty-seventh chapter of the revised laws passed during the present session; and upon payment or tender to the parties owning the land of the compensation so awarded, with the costs awarded against them, if any, by the arbitrators, the company shall thereafter hold an absolute title to such lands in the same manner as if the same had been formally conveyed to them.

5. The company may from time to time enter upon any lands not under cultivation, and there cut down any trees, prepare any timber, and may dig and quarry any rock or other materials there found, and work, prepare and carry away the same for the uses of the canal; and if the parties having the property in such lands or materials shall refuse to agree with the company therefor and for any damages occasioned thereby, or shall refuse such reasonable compensation as may be tendered therefor, the same shall be settled by arbitration in manner aforesaid, but the company shall not take or use any such materials as may have been previously wrought or prepared without the consent of the parties entitled thereto.

6. The company shall annually lay before the legislature within the first ten days of its meeting, a statement of the amount of the receipts and expenditures of the company for the previous year, together with the rate of tolls taken by them.

7. All tolls taken by the company shall be regulated by the bye-laws, and no bye-laws shall have any effect until approved of by the governor in council.

Fifth section appropriation act.

GRANT.

5. The sums following are hereby granted and placed at the disposal of the governor, towards payment of the interest on the capital stock of the Saint Peter's canal company, now incorporated by law of this province, viz:

Six hundred pounds annually for the years one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-three.

Five hundred pounds annually for the then following six years, ending with the year one thousand eight hundred and fifty-nine; and

Three hundred pounds annually for the then ensuing seven years, ending with the year one thousand eight hundred and sixty-six.

But no part of the monies hereby granted shall be drawn from the treasury until such canal shall be completed, of a suitable width, and of the depth of fifteen feet from the average surface level of the Bras d'Or lake; and provided also that such annual sums respectively shall not be paid to the company until the returns therefrom, after deducting the working expenses and allowances for repairs, fail to yield to the shareholders a dividend of six per cent. on the capital paid up; and that only so much of the grants and no more shall be drawn from the treasury as may be required to yield annually a dividend of six per cent. on such paid up capital: and provided also that the company shall render once in every year, and at least ten days before the meeting of the legislature, an account of their tolls and expenditures received and paid, duly certified under oath by the proper officers, in order that the same may be submitted to both branches of the legislature.

Monies not to be drawn from treasury until canal is completed.

Proviso.

AN ACT TO INCORPORATE THE NAVIGATION AND COMMERCIAL COMPANY OF LIVERPOOL, NOVA-SCOTIA. 11 Vic., chap. 11.

Passed 21st March, 1848.

Whereas the persons hereinafter named have, with others, formed a copartnership for the purpose of carrying on trade and navigation and ship building in and from the township of Liverpool, in Queen's county:

Preamble.

1. *Be it enacted, &c.*, That Nathaniel Minard, William Ford, Edward H. Freeman, George W. Freeman, Charles Harlow, William H. Freeman, Lewis Freeman, Isaac Freeman, Charles M. Ford, Lewis Knaut, William S. Minard, and all and every such other persons as now are or shall from time to time become copartners and proprietors in the company and undertaking hereby established, and their respective successors, executors, administrators and assigns shall henceforth be and they are hereby united into a company, and declared to be one body, politic and corporate, by the name of "the navigation and commercial company of Liverpool, Nova-Scotia;" and by that name shall have succession and a common seal, with power from time to time to elect and choose a president and other officers; and by that name also shall

The navigation and commercial company of Liverpool, N. S., incorporated.

and may sue and be sued, plead and be impleaded at law or in equity; and shall by that name be capable, authorized and empowered to purchase, have, hold, receive, possess and enjoy lands, messuages, houses, stores, wharves, hereditaments and real estate within this province either in fee simple or for term of life or lives or years, or in any other manner, but not exceeding in value three thousand pounds—and likewise monies, securities for money, ships, vessels, goods, chattels, effects and other things of whatsoever kind or quality; and shall by that name and in their corporate capacity be capable, authorized and empowered to grant, sell, assign, mortgage or otherwise dispose of all or any part of such real and personal estate and property as aforesaid, as to the said company shall seem meet, and at their free will and pleasure.

Capital, shares,
transfer thereof,
&c.

2. The capital or joint stock of the said company shall consist of ten thousand pounds, to be divided into sixty-four shares of one hundred and fifty-six pounds five shillings each, which shall be numbered from number one to number sixty-four in regular succession, and shall be transferable and conveyed according to the rules and regulations of the said company, to be made, passed and established by the said company, and the said shares shall be deemed to be personal estate to all intents and purposes.

Registry of names
of members, their
shares and trans-
fers.

3. The names of all the members of the said corporation, and the number of shares owned by them respectively, shall be registered in the office of the registrar of deeds in Queen's county; and that no transfer of any share in the said corporation shall be final and effectual until the certificate thereof shall have been registered in the said office, to the end that it may be known by the public who are the persons composing the said corporation.

Not to release
present liabilities
of shareholders.

4. Nothing herein contained shall extend or be construed to extend to relieve or discharge the said corporation or any of the present or future proprietors or holders of shares in the said company from any responsibility, contract, duty or obligation to which by law such proprietors or holders of shares now are or at any time hereafter may be or would have been subject or liable had not this act been passed, as between such company and any other party.

Duration of act.

5. This act shall continue and be in force for seven years from the passing thereof, unless the said corporation shall be sooner dissolved by the major part of the said company, and no longer.

AN ACT TO ENABLE CERTAIN PERSONS THEREIN NAMED, TO
ERECT A DRAW BRIDGE ACROSS THE LIVERPOOL RIVER, IN THE
TOWN OF LIVERPOOL.

56 (Geo. 3, chap.
29).

Whereas the erecting a bridge over the Liverpool river, in the town of Liverpool, will be of great advantage to the public: and whereas Joseph Freeman, Joseph Barss, Snow Parker, John Barss, Nathan Tupper, Hallet Collins, James Gorham and others, have proposed to erect at their own proper cost and charges, a good and sufficient draw bridge over the said river, and to attend and maintain the same—provided the said persons shall be allowed to take and receive such rate or toll for passing the said bridge as shall be allowed and fixed from year to year by the court of general sessions of the peace, and the grand jury for the time being, for the county of Queen's county:

Preamble.

1. *Be it therefore enacted, &c.*, That it shall and may be lawful for the governor, lieutenant-governor, or commander in chief for the time being, by letters patent under the great seal of this province, to incorporate the said Joseph Freeman, Joseph Barss, Snow Parker, John Barss, Nathan Tupper, Hallet Collins, James Gorham and others, and all and every other person or persons who, in their own right, or as executors, administrators or assigns, of the original proprietors, at any time or times hereafter, shall have and be entitled to, any part, share or interest, in the said bridge, so long as they shall respectively have any such share, part, or interest therein, to be one body, politic and corporate, in deed and in name, by the name of the Liverpool bridge company, and by that name to have a succession, and to sue and be sued, and to have a common seal, with power from time to time to elect and choose a president and other officers, as shall be by the said letters patent directed.

Incorporation of
Liverpool bridge
company.

2. The proprietors of the said bridge shall be authorized to receive and take from all and every person or persons passing the said bridge, except his majesty's troops or embodied militia, with their munitions of war and baggage, on their march, such toll or fare, from time to time, as shall be fixed and allowed by the court of general sessions of the peace and the grand jury for the county of Queen's county, annually, and no other toll or fare there shall be so fixed and allowed as aforesaid.

Bridge toll

3. The said bridge shall be erected over the said river at such place as shall be appointed by the said court of general sessions, upon the presentment of the grand jury, for the said county of Queen's county: provided always, that the said bridge shall be a draw bridge, of sufficient width to allow a passage for vessels and boats, up and down the said river and that a fit and proper person

Bridge, where
erected.

Drawbridge.

Passage of vessels.

Keeper of bridge.

Time allowed for erection and completion of bridge.

Continuance of act.

shall attend, at the expense of the proprietors, to draw the same bridge at all times when thereto required, to allow of such passage, and that no fee or reward shall be exacted or taken, for drawing the said bridge for the purposes aforesaid; and provided also, that the said bridge be erected and completed within three years from the passing of this act, and kept and maintained in good and sufficient repair, at all time and times during the continuance of the toll.

4. This act shall commence and be in force for the term of fifty years from the passing thereof, and no longer.

4-Wm. 4, chap. 65. AN ACT TO INCORPORATE A COMPANY FOR ERECTING A BRIDGE ACROSS THE CORNWALLIS RIVER.

Passed 16th April, 1834.

Preamble.

Whereas it would be of great advantage if a bridge were well and substantially built and erected across the Cornwallis river, at or below the site of the former bridge; and in order to procure funds for building such bridge in addition to the amount already granted by the legislature, it is expedient to incorporate such persons as may be willing to advance monies for the purpose of building such bridge, into a company, for the purpose of building the same, and to authorize them to collect a toll from passengers after such bridge may be built and erected:

Incorporation of shareholders—their powers and liabilities.

1. *Be it therefore enacted, &c.*, That all such persons as shall from time to time become proprietors of shares in the corporation hereinafter mentioned and hereby established, and their successors, executors, administrators and assigns shall, so soon as this act shall come into operation and thereafter, be, and they are hereby united into a company, and declared to be one body, politic and corporate, by the name of the "Cornwallis bridge company," and by that name shall have succession and a common seal, with power the same to change, alter and make anew as they shall see fit; and by that name shall and may sue and be sued, plead and be impleaded at law or in equity, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixed, to any amount not exceeding fifteen thousand pounds, including the cost or the value of the bridge; and also to give, grant, mortgage, demise, sell, let, assign or convey the same or any part thereof, and to do, manage, transact and execute all other things in and about the same which shall and may be thought necessary or proper for the benefit and advantage of the said company.

2. Until forty shares of and in the capital stock of the said company, or one thousand pounds, shall be taken and subscribed, this act shall not come into operation or be of any force or effect.

Proviso.

3. The capital and joint stock of the said company shall consist of and be, and shall be restricted to, a sum not exceeding the sum of five thousand pounds, to be divided into shares of twenty-five pounds each.

Amount of joint stock.

4. The said shares shall and may be transferable and transferred in such manner and under such conditions as may hereafter be prescribed by any bye-law, rule or ordinance of the said company to be made and ordained as hereinafter mentioned.

Shares transferable.

5. When and so soon as forty shares or one thousand pounds of the said capital or joint stock of the said company shall be subscribed, and this act shall come into operation as aforesaid, and not before, it shall and may be lawful for the subscribers and shareholders in and to the said company to meet and assemble together, and to nominate, choose and appoint five directors for the said company, of whom one shall be chosen and elected by the said directors to be president, which said president and directors shall be and remain in office for such period of time, not less than one year, as may be provided for and directed by any bye-law or bye-laws, rules or ordinances hereafter to be made or ordained by the said company, and until other directors are substituted and elected in their stead.

Appointment of president and directors.

6. When and so soon as the said president and directors shall be chosen and appointed, it shall and may be lawful for the members and shareholders of the said company, at any meeting or meetings to be held by them, when and as the same shall be considered necessary, to make, ordain and establish, all or any such bye-laws, rules, ordinances and regulations, as shall or may be requisite and necessary for the rule, order, direction and good government of the said company, for the management of the affairs and servants thereof, for the appointment, change and re-election of the president, directors and officers, and servants of the said company, and for the building of the said bridge, and effecting the objects of the said company, and such bye-laws, rules, ordinances and regulations, from time to time to abrogate, alter, change and vary, as may be deemed expedient: provided such bye-laws, rules, ordinances and regulations, be not contradictory or repugnant to this act, or any of the laws and statutes of the province, or of those in force within the same.

Bye laws, rules, &c.

7. Annual or other meetings of the stockholders or members of the said company shall be held at the time, in the manner, at the place, and under such regulations as shall or may from time to time be appointed and prescribed therefor, in and by any of the bye-laws, rules, ordinances and regulations, of the said company to be made as aforesaid.

Meetings of stock holders.

8. When and so soon as the said sum of one thousand pounds, or forty shares of the capital or joint stock of the said company shall be subscribed as aforesaid, and actually paid in, it shall and

Building of bridge when to be commenced.

may be lawful for the said company to commence building the said bridge, and to proceed to erect and build over and across the said Cornwallis river, on some site at or below the site of the former bridge, a good and sufficient bridge of such size and dimensions, and of such materials, and with such and so many piers and abutments, and in such way and manner as shall be proper, safe and convenient, for the passage and conveyance of passengers, horses, cattle, and carriages of all descriptions, and at all times across and over the same, and according to such plan and method as the said company shall think proper or expedient, and the same bridge to alter, change, renew, amend, repair and sustain, as the said company shall think fit.

Bridge, &c. vested in company.

9. The said bridge, when erected as aforesaid, and all the piers, abutments, approaches, outlets, entrances and appurtenances thereof, and all lands and other property purchased or obtained for the said bridge, or as appurtenant thereto, shall be, and the same are hereby vested in, and declared and made the sole and exclusive property of the said company forever.

Toll or pass money.

10. A way and passage in, upon and over, the said bridge, and the approaches, outlets and entrances thereof, shall be, at all times and seasons, except when obstructed or closed from absolute necessity, free and open to all his majesty's subjects, with their horses, cattle, carts and carriages, upon payment of such toll or pass money as shall from time to time be fixed and established by the president and directors of the said company, by and with the consent and approbation of the justices of the peace for the county of King's county, in any of their general sessions of the peace, such toll or pass money to be applied in keeping up and repairing the said bridge, and paying the salary of the toll gatherer, and the expense of collecting such toll or pass money, and also in paying to the shareholders or members of the said company, a fair, just and reasonable dividend and interest on the capital advanced and expended by them in building such bridge: provided always that no toll or pass money shall be demanded, taken or received, of and from any of his majesty's troops or any body of militia, with their munitions of war and baggage, when on their march from place to place in this province, or of and from any such troops and militia when actually employed on military duty or service, or of and from, or for any person or persons, horse, coach or carriage, carrying or conveying any of his majesty's mails from place to place within this province, but his majesty's troops and militia when on their march, or when employed as aforesaid, and all his majesty's mails, shall at all times and seasons, when such bridge shall not be closed or obstructed from absolute necessity as aforesaid, pass and be conveyed, and be ferried and permitted freely to pass over and upon the said bridge, free from any such toll or pass money as aforesaid.

His majesty's troops, militia and mail carriages exempted from toll.

Liability of company.

11. The joint stock and all real and personal estate of the said company shall at all times be subject and liable to and for all and every contract or contracts, and engagements of every description,

of or made, or entered into by the said company, and no person or persons having any claim or demand against the said company shall, on any pretence whatsoever, have recourse against the separate and individual property of any member thereof, or against their persons, for any debt, contract or engagement, of the said company, but the members of such company shall be liable only for the shares or stock held by them respectively, and no more.

12. Notwithstanding any real estate which the said company may at any time own or possess, the shares and interests of the stockholders of and in the stock, funds, property and estate of the said company, shall be, and shall be held, deemed and taken to be, personal property, to all intents and purposes whatsoever.

Shares in the stock personal property

13. If any subscriber for any share or shares in the said capital or joint stock of the said company shall not pay into the hands of the person or persons appointed to receive the same, the said share or shares, or such portion thereof as may be required, within thirty days after notice shall be given in any one or more of the public newspapers, printed and published at Halifax, requiring the same to be paid in, it shall and may be lawful for the president and directors of the said company, in the name of the said company, to commence and prosecute a suit or action at law for the amount of the share or shares so remaining unpaid, against the subscriber or subscribers for the same.

Payment of shares.

14. When and so soon as the said company shall have erected and finished the said bridge, and have the same open and ready for the passage and conveyance of passengers, horses, cattle, carts and carriages, across the said river, the several sums of seven hundred and fifty pounds, and one thousand one hundred and fifty pounds already granted and appropriated for the purpose of building such bridge, shall be and become payable to the said company, and it shall and may be lawful for the governor, lieutenant-governor, or commander in chief for the time being, to draw any warrant or warrants on the treasury of this province, in favor of the said company, for the payment of the said sums of money already granted and appropriated as aforesaid.

Monies granted in aid of bridge.

15. The said bridge shall be fully built and completed, ready for the transport, conveyance and passage of all persons whatsoever, with their horses, cattle, carts and carriages, within six years from the passing of this act.

Bridge to be built within 6 years.

16. *Repeals 6 Geo. 4, chap. 21.*

Act 6 Geo. 4, c. 21 repealed.

17. If the said company, or other person or persons, shall be sued or prosecuted for any matter or thing by such company, or other person or persons, done under or in pursuance of this act, the said company or other person or persons may be at liberty to plead the general issue, and give this act and special matter in evidence.

Company may plead general issue, &c.

4 Wm. 4, chap. 66. AN ACT TO AUTHORIZE THE INCORPORATION OF A COMPANY FOR
ERECTING A BRIDGE ACROSS AVON RIVER.

Passed 16th April, 1834.

Preamble.

Whereas the erection of a substantial bridge across the river Avon, between Windsor and Falmouth, in the county of Hants, at or near the point of rocks or narrows, will be of great public advantage; and whereas it has been found impracticable to procure sufficient funds for building the same otherwise than by the formation of a joint stock company and by vesting the property of the said bridge when so built in the said company:

Incorporation of
Avon bridge com-
pany.

1. *Be it therefore enacted, &c.*, That William Blowers Bliss, Benjamin Dewolf, Thomas Chandler Halliburton, William Henry Shey, Lewis Morris Wilkins, and all and every such other person and persons as shall from time to time become proprietors of shares in the corporation hereinafter mentioned and hereby established, and their successors, executors, administrators and assigns, shall be and they are hereby united into a company, and declared to be one body, politic and corporate, by the name of the "Avon bridge company," and by that name shall have succession and a common seal, with power the same to change, alter and make anew as they shall see fit; and by that name shall and may sue and be sued, plead and be impleaded at law or in equity, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents in fee simple or otherwise; and also goods and chattels, and all other things real, personal or mixed, to any amount not exceeding thirty thousand pounds, including the cost or value of the said bridge; and also to give, grant, mortgage, demise, sell, let, assign or convey the same or any part thereof, and to do, manage, transact and execute all other things in and about the same as shall and may be thought necessary or proper for the benefit and advantage of the said company.

Their powers.

Amount of capital.

2. The capital and joint stock of the said company shall consist of and be, and shall be restricted to, the sum of fifteen thousand pounds, to be divided into six hundred shares of twenty-five pounds each.

Shares transferable.

3. The said shares shall and may be transferable and transferred in such manner and under such conditions as may hereafter be prescribed by any bye-law, rule or ordinance of the said company, to be made and ordained as hereinafter mentioned.

Choice of directors.

4. When and so soon as one hundred and sixty shares or four thousand pounds of the said capital or joint stock of the said company shall be subscribed, and not before, it shall and may be lawful for the subscribers and shareholders to and in the said company to meet and assemble together, and to nominate, choose and

appoint five directors for the said company, of whom one shall be chosen and elected by the said directors to be president, which said president and directors shall be and remain in office for such period of time, not less than one year, as may be provided for and directed by any bye-law or bye-laws, rules or ordinances hereafter to be made or ordained by the said company, and until other directors are substituted and elected in their stead.

5. When and so soon as the said president and directors shall be chosen and appointed, it shall and may be lawful for the members and shareholders of the said corporation at any meeting or meetings to be held by them when and as the same shall be considered necessary, to make, ordain and establish all or any such bye-laws, rules, ordinances and regulations as shall or may be requisite and necessary for the rule, order, direction and good government of the said company—for the management of the affairs and servants thereof—for the appointment, change and re-election of the president, directors, and officers and servants of the said company, and for building of the said bridge and effecting the objects of the said company, and such bye-laws, rules, ordinances and regulations from time to time to abrogate, alter, change and vary as may be deemed expedient: provided such bye-laws, rules, ordinances and regulations be not contradictory or repugnant to this act or any of the laws and statutes of the province or those in force within the same.

Bye-laws, rules,
&c.

6. Annual or other meetings of the stockholders or members of the said company shall be held at the time, in the manner, at the place and under such regulations as shall or may from time to time be appointed and prescribed therefor in and by any of the bye-laws, rules, ordinances and regulations of the said company to be made as aforesaid.

Meetings of stock-
holders.

7. When and so soon as the said sum of four thousand pounds or one hundred and sixty shares of the capital or joint stock of the said company shall be subscribed as aforesaid and actually paid in, it shall and may be lawful for the said company to commence building the said bridge, and to proceed to build and erect over and across the said river Avon, between Windsor and Falmouth aforesaid, on some site at or near the point of rocks or narrows, a good and sufficient bridge, of such size and dimensions, and of such materials and with such and so many piers and abutments, and in such way and manner as shall be proper, safe and convenient for the passage and conveyance of passengers, horses, cattle and carriages of all descriptions, and at all times across and over the same, and according to such plan and method as the said company shall think proper or expedient, and the same bridge to alter, change, renew, amend, repair and sustain as the said company shall think fit.

Building of
bridge.

8. The said bridge when erected as aforesaid, and all the piers, abutments, approaches, outlets, entrances and appurtenances thereof, and all lands and other property purchased or obtained for the said bridge, or as appurtenant thereto, shall be and the same are

Bridge vested in
company.

hereby vested in and declared and made the sole and exclusive property of the said company forever.

Toll for passage of bridge.

Proviso.

Liability of joint stock.

Stock considered personal property

Failure in paying shares.

9. A way and passage in, upon and over the said bridge, and the approaches, outlets and entrances thereof, shall be at all times and seasons, except when obstructed or closed from absolute necessity, free and open to all his majesty's subjects, with their horses, cattle, carts and carriages, upon payment of such toll or pass-money as shall from time to time be fixed and established by the president and directors of the said company : provided always that no toll or pass-money shall be demanded, taken or received of and from any of his majesty's troops or any body of militia, with their munitions of war and baggage, when on their march from place to place in this province, or of and from any such troops or militia when actually employed on military duty or service, or of, from or for any person or persons, horse, coach or carriage carrying or conveying any of his majesty's mails from place to place within this province ; but his majesty's troops and militia, when on their march or when employed as aforesaid, and all his majesty's mails, shall at all times and seasons, when such bridge shall not be closed or obstructed from absolute necessity as aforesaid, pass and be conveyed and be suffered and permitted freely to pass over and upon the said bridge free from any such toll or pass-money as aforesaid.

10. The joint stock and all real and personal estate of the said company shall at all times be subject and liable to and for all and every contract or contracts, and engagements of every description of or made or entered into by the said company ; and no person or persons having any claim or demand against the said company shall on any pretence whatsoever have recourse against the separate and individual property of any individual member thereof, or against their persons, for any debt, contract or engagement of the said company, but the members of such company shall be liable only for the shares or stock held by them respectively, and no more.

11. Notwithstanding any real estate which the said company may at any time own and possess, the shares and interest of the stockholders of and in the stock, funds, property and estate of the said company shall be and shall be held, deemed and taken to be personal property to all intents and purposes whatsoever.

12. If any subscriber for any share or shares in the said capital or joint stock of the said company shall not pay into the hands of the person or persons appointed to receive the same the said share or shares or such portion thereof as may be required within thirty days after notice shall be given in any one or more of the public newspapers printed and published at Halifax requiring the same to be paid in, it shall and may be lawful for the president and directors of the said company, in the name of the said company, to commence and prosecute a suit or action at law for the amount of the share or shares so remaining unpaid against the subscriber or subscribers for the same.

13. The piers, abutments and materials lately erected or pur-

chased, prepared or procured for the purpose of erecting a bridge, and now remaining at or near the said intended site of the said bridge, shall be and the same are hereby declared to be assigned to and vested in the said company from and after the same shall be formed as and for their property.

Abutments now erected vested in company.

14. The said company shall have a right of way or passage from the main road in Windsor aforesaid, along the shore of the said river, for all persons, horses, cattle and carriages, and at all times and seasons, and shall have liberty to make, keep, uphold and sustain, a public road or highway along the said shore, free and open for all persons whatsoever, with their horses, cattle, carts and carriages to pass and repass, over and upon the same: provided always, that no such right of way or passage, or the liberty of making such road, shall extend or be construed to extend to any land already granted to any person or persons whomsoever, but shall be limited and restricted to lands ungranted.

15. The said intended bridge shall be erected and completed within six years from the passing of this act, and be kept and maintained at all times in good and sufficient repair, after the same shall be so built and erected.

Proviso—bridge to be built in six years.

16. If the said company shall think proper, and find it expedient so to do, it shall and may be lawful for the said company, instead of building a bridge upon piers or abutments in the usual manner, to build and erect across the said river a solid bridge, dam or aboiteau, and all the privileges, advantages and authorities, hereby given to, and vested in the said company, for building a bridge, shall be deemed and taken to be applicable to the building and erecting of the said solid dam, bridge or aboiteau, across any part of the said river: provided always, that a sufficient lock or water way shall be made and kept in and through said solid bridge, dam or aboiteau, for the passage of all ships and vessels to the parts of the said river, above the said solid bridge, dam or aboiteau, to be erected as aforesaid.

A solid bridge may be built.

Proviso.

AN ACT TO PROVIDE FOR THE ERECTION OF A DIKE ACROSS CHEZETCOOK HARBOR.

13 Vic., chap. 21.

Passed 28th March, 1850.

1. *Be it enacted, &c.*—The governor in council may appoint three commissioners, with power to borrow any sum of money not exceeding three thousand pounds, to be expended in the construction of a dike and public road across the harbor of Chezetcook, from such points, and to include such an area as to them may seem most judicious and profitable.

Governor to appoint commissioners for dike, &c.

Land, &c. responsible for the payment of money advanced.

Commissioners may enter into lands adjacent.

Commissioners to form list of proprietors living at Chezetcook, &c. entitled to one share, &c.

Proprietor's shares, when to be sold.

Persons to hold shares in fee simple.

Commissioners to report proceedings.

2. For the re-payment of the sum so borrowed, with legal interest, the land reclaimed, and the dike and all other works erected by the commissioners, shall alone be responsible, and the commissioners are hereby invested with all powers over such lands necessary to make such re-payment, and may sell, lease, or otherwise dispose of the same for that purpose.

3. The commissioners shall have full powers to enter upon any crown or other lands convenient for the purpose, and to take therefrom materials for the construction of the dike and road, paying to the proprietors the value of the same if required—such value to be fixed by three arbitrators, one to be selected by the commissioners, one by the proprietor whose property may be taken, and the third by the custos of the county of Halifax, and the award of the arbitrators shall be final, and subject to no appeal. If any proprietor, after three days notice in writing from the commissioners, shall not appoint his arbitrators, the same shall also be appointed by the custos.

4. The commissioners at least one month before commencing operations, shall form a list of all the heads of families and proprietors living around the harbor of Chezetcook, or within half a mile of the shore, and shall number the same, and post copies thereof in at least five of the most public places in the neighborhood; and each person whose name shall be included in the list, may pay to the commissioners at any time during the progress of the work, in money or in labor, or materials, subject to approval of the commissioners, such sum as shall be equal to one share of the whole expense of completing the same, and he shall thereupon be entitled to the lot of land which shall be designated by the number set opposite his name; such numbers to be drawn for in presence of the commissioners on the completion of the work—the land reclaimed having been previously divided into as many lots as there shall be heads of families or proprietors—provided that the land shall remain primarily liable to the payment of the monies borrowed, as in the second section mentioned.

5. If any proprietor or head of a family shall not qualify himself as a shareholder, the share designated by his number shall be chargeable with its proportion of the outlay, and may be either let or sold at the discretion of the commissioners, after a reasonable time given for redemption, and the rent or price thereof carried to the credit of the work.

6. Persons drawing lands falling to their shares hereunder, or obtaining the same under conveyance from the commissioners, shall hold them in fee simple, or in cases of letting for such period as may be designated in the lease, subject to the lien thereon hereinbefore created.

8. The commissioners shall within two years from their appointments, make a full report of their proceedings under this act, and submit their accounts for the approval of the governor in council.

AN ACT TO INCORPORATE THE WILMOT PIER COMPANY.

2 Vic., chap. 47.

Passed 30th March, 1839.

Whereas the erection of a wharf or pier at Wilmot, in the county of Annapolis, will be extremely beneficial to the trade of that part of the province, and contribute to the security of navigation; and it is therefore expedient to encourage the building of such pier or wharf:

Preamble.

1. *Be it therefore enacted, &c.*, That Samuel Dodge, James Gates, Christopher Margeson, John B. Longley, William Randall, Granville B. Read, Joshua Morgan, Isaac Saunders, David C. Landers, Jacob Gates, James Parker, John Dodge, Ambrose Dodge, and such other person or persons as shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and they are hereby erected into a company, and declared to be a body politic and corporate, in deed and in name, by the name of the Wilmot pier company; and by that name shall and may have succession and a common seal; and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in any court or courts of law or equity, or place whatsoever, and be able and capable in law to have, hold, purchase, take, receive, possess and enjoy any houses, stores, lands and tenements, and real estate whatsoever, materials, goods, chattles, and all other things, real, personal and mixed; and also to give, grant, let, assign or convey the same, or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary and proper for the benefit and advantage of the said corporation; and also that the said company, or the major part of them, shall from time to time and at all times have full power, authority and license to constitute, ordain, make and establish, change, vary and alter such bye-laws, rules and ordinances as may be thought necessary for the good rule and government of the said corporation; provided such bye-laws, rules and ordinances be not contradictory or repugnant to the laws or statutes of the province, and those in force within the same: and provided also that such bye-laws, rules and ordinances shall not be of any force or effect until the same have been submitted to and approved by the governor, lieutenant-governor or commander in chief for the time being, nor until the same shall have been registered in the office of the registrar of deeds for the county of Annapolis.

Incorporation of company.

Power and liabilities of company.

Bye-laws, &c. may be established.

Proviso.

Bye-laws to be submitted to governor.

2. The said company shall not have, take, hold, possess or enjoy at any one time, lands, tenements or hereditaments of greater value than two thousand pounds.

Real estate of company.

3. The said company, and its affairs and business, shall be under the management and direction of a president and such other

Officers of company.

officers as shall or may be named and designated by the bye-laws of the said company, and the capital of the said company shall be limited to the sum of two thousand pounds, to be divided into shares of five pounds each, and such shares shall be assignable and transferable in such manner and upon such terms as by the said bye-laws may be also provided and directed.

Company empowered to erect pier.

Pier open to public.

Shares deemed personal property

Real estate may be taken under execution.

Sheriff to give deed and transfer property.

Restrictions imposed on company.

Names of shareholders to be registered.

Transfer of shares

Liability of shareholders.

4. It shall and may be lawful for the said company, when formed, to build and erect a public pier or wharf on the south shore at Gates' mountain, in the township of Wilmot, which shall be open and free for the use of all ships and vessels, and persons whomsoever, subject to such rates of wharfage as shall be fixed and established by the said company by and with the consent, sanction and approbation of the court of general sessions of the peace for the county of Annapolis.

5. For and notwithstanding any real estate which the said company may hold at any time, the shares and interests of the shareholders of and in the capital stock and funds of the said company shall be held and deemed to be personal property, all intents and purposes whatsoever.

6. All such lands and real estate, or so much thereof as may be necessary to satisfy the same, may be taken under any writ of execution issued upon a judgment obtained against the said corporation, and sold in the same manner as goods and chattels may be taken and sold; and the sheriff shall, immediately after such sale, make and execute a deed to the purchaser, which deed shall convey and transfer all the estate and interest of the corporation, in the lands so taken, sold and conveyed.

7. Nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money by way of discount or otherwise, or engaging in any banking operations whatever, or to become underwriters upon any insurance on a ship or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

8. The names of all the members of the said corporation, and the number of shares owned by them respectively, shall be registered in the office of the registrar of deeds in the county of Annapolis, and no transfer of any share in the said corporation shall be final and effectual, until the certificate thereof shall have been registered in the said office, to the end that it may be publicly known who are the persons composing the said corporation.

9. Nothing herein contained, shall extend, or be deemed, construed, or taken to extend to relieve or discharge the said company, or any of the present or future proprietors or other holders of shares in the said company, from any responsibility, contract, duty, or obligation whatsoever, to which by law, they, he or she, now is or at any time hereafter may be or would have been subject or liable had not this act been passed, as between such company and any other party or parties whomsoever, in any manner or way howsoever, and the said proprietor or holder of shares in the said

company, their lands, goods and chattels, shall be liable under any execution that may be issued against the said corporation, in the same manner, and to the same extent as if this act had not been passed.

10. This act shall continue and be in force for fifteen years from the passing thereof, and from thence to the end of the then next session of the general assembly.

Continuation of act.

AN ACT TO INCORPORATE THE MARGARETVILLE PIER COMPANY. 3 Vic., chap. 36.

Passed 27th March, 1840.

Whereas a pier or wharf at Margareville, in the township of Wilmot, in the county of Annapolis, has been commenced, and the completion thereof will be highly advantageous to that part of this province, and it is expedient to encourage the building of such pier or wharf:

Preamble.

1. *Be it therefore enacted, &c.,* That John Wiswall, James Wiswall, Benjamin Gates, Asaph Bent, Gilbert Reagh, Wesley Reagh, James Pearce, Jonathan Pearce, John F. Outhit, Henry Magee, Rees Stronach, Henry Clarke, John Melick, and such other person or persons as shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and they are hereby erected into a company, and declared to be a body, politic and corporate in deed and in name, by the name of the Margareville pier company, and by that name shall and may have succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto into any court or courts of law or equity or place whatsoever, and be able and capable in law to have, hold, purchase, take, receive, possess and enjoy any houses, stores, lands and tenements, and real estate whatsoever, materials, goods, chattels, and all other things real, personal and mixed; and also to give, grant, let, assign or convey the same or any part thereof, and to do and execute all other things in and about the same as shall and may be thought necessary and proper for the benefit and advantage of the said corporation; and also that the said company, or the major part of them, shall from time to time and at all times have full power, authority and license to constitute, ordain, make and establish, change, vary and alter such bye-laws, rules and ordinances as may be thought necessary for the good rule and government of the said corporation: provided such bye-laws, rules and ordinances be not contradictory or repugnant to the laws and statutes of the province and those in force within the same: and provided also that such bye-laws, rules and ordinances shall

Names of proprietors of shares.

Name of company

Shall have succession, a common seal, &c.

May make bye laws, &c.

Proviso.

Bye laws not to be repugnant to the laws of province.

not be of any force or effect until the same have been submitted to and approved by the governor, lieutenant-governor or commander in chief for the time being, nor until the same shall have been registered in the office of the registrar of deeds for the county of Annapolis.

Not to hold lands, &c. of greater value than £2000.

2. The said company shall not have, take, hold, possess and enjoy at any one time, lands, tenements or hereditaments of greater value than two thousand pounds.

The affairs of the company to be under the management of a president and other officers.

3. The said company, and its affairs and business, shall be under the management and direction of a president and such other officers as shall or may be named and designated by the bye-laws of the said company; and the capital of the said company shall be limited to the sum of two thousand pounds, to be divided into shares of two pounds ten shillings each; and such shares shall be assignable and transferable in such manner and upon such terms as by the said bye-laws may be also provided and directed.

A public pier to be erected at Margaretville.

4. It shall and may be lawful for the said company, when formed, to build and erect a public pier or wharf, or to proceed to complete the pier or wharf already commenced at Margaretville, in the said township of Wilmot, which shall be opened and free for the use of all ships and vessels, and persons whomsoever, subject to such rates of dockage and wharfage as shall be fixed and established by the said company, by and with the consent, sanction and approbation of the court of general sessions of the peace for the county of Annapolis.

To be free for the use of all ships subject to dockage.

Shares to be deemed personal property.

5. For and notwithstanding any real estate which the said company may hold at any time, the shares and interest of the shareholders of and in the capital stock and funds of the said company shall be held and deemed to be personal property to all intents and purposes whatsoever.

The lands of the company may be taken under execution, and sold as goods and chattels.

6. All such lands and real estate, or so much thereof as may be necessary to satisfy the same, may be taken under any writ of execution issued upon a judgment obtained against the said corporation, and sold in the same manner as goods and chattels may be taken and sold; and the sheriff shall immediately after such sale make and execute a deed to the purchaser or purchasers, which deed shall convey and transfer all the estate and interest of the said corporation in the lands so taken, sold and conveyed.

Sheriff to give deed to the purchaser.

Proviso—not to engage in banking operations or become underwriters.

7. Nothing herein contained shall be held or construed to give to the said company the privilege of dealing in the lending of money by way of discount or otherwise, or engaging in any banking operations whatsoever, or to become underwriter or underwriters upon any insurance on a ship or vessel or marine risk, or upon any loss by fire, or upon any life or lives.

The names of shareholders, &c. to be registered.

8. The names of all the members of the said corporation, and the number of shares owned by them respectively, shall be registered in the office of the registrar of deeds in the county of Annapolis; and no transfer of any share in said corporation shall be final and effectual until the certificate thereof shall have been re-

gistered in the said office, to the end that it may be publicly known who are the persons composing the said corporation.

9. Nothing herein contained shall extend, or be deemed, construed or taken to extend to relieve or discharge the said corporation or any of the present or future proprietors or other holders of shares in the said company from any responsibility, contract, duty or obligation whatsoever to which by law such proprietors or holders of shares now are or at any time hereafter may be or would have been subject or liable had not this act been passed, as between such company and any other party or parties whomsoever in any manner or way howsoever; and every proprietor or holder of shares in the said company, his or her lands, goods and chattels, shall be liable under any execution that may be issued against the said corporation in the same manner and to the same extent as if this act had not been passed.

Proviso—this act not to affect the liability to which proprietors of shares now are or may be subject.

The property of proprietors to be liable under any execution issued against the corporation.

10. In every case when any person shall have, before the passing of this act, actually contributed to the said pier the sum of two pounds ten shillings or upwards, the said person shall be deemed a shareholder of said corporation, and be entitled to one share for every two pounds ten shillings of the amount by him so actually contributed as aforesaid, and also to one vote for every such share.

Proviso—persons who have heretofore contributed £2 10s. or upwards to be deemed shareholders.

11. This act shall continue and be in force for fifteen years from the passing thereof, and from thence to the end of the then next session of the general assembly.

This act to continue for 15 years.

AN ACT TO INCORPORATE THE AYLESFORD PIER COMPANY.

5 Vic., chap. 13.

Passed 19th March, 1842.

Whereas the erection of a pier or wharf near the French cross, in the township of Aylesford, would be highly advantageous to the inhabitants of the said township, and it is expedient to encourage the building of such pier or wharf; and whereas the several persons hereinafter named, with divers others, have agreed to form themselves into a company for the above purpose:

Preamble.

1. *Be it enacted, &c.* That Amos B. Patterson, Fairfield Smith, George Fitch, Jonathan Crane, Isaac Orphin, Benjamin B. Sheffield, Elisha D. Harris, Alexander Patterson, Thomas Welton, James L. Van Buskirk, William Morton, Nelson Farnsworth, and such other person or persons as shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, shall be, and they are hereby erected into a company, and declared to be a body, politic and corporate, in deed and in name, by the name of "the Aylesford pier company," and

Amos B. Patterson and others to be a body politic.

Name and seal.	by that name shall and may have succession and a common seal,
May sue and be sued, &c.	and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, in any court or courts of law or equity, or place whatsoever; and be able and capable in law to have, hold, purchase, take, receive, possess and enjoy, houses, stores, lands and tenements, and real estate whatsoever, materials, goods, chattels, and all other things, real, personal or mixed; and also to give, grant, let, assign, or convey the same, or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary and proper, for the benefit and advantage of the said corporation; and also that the said company, or the major part of them shall, from time to time, and at all times, have full power, authority and license, to constitute, ordain, make and establish, change, vary and alter, such bye-laws, rules and ordinances, as may be thought necessary for the good rule and government of the said corporation: provided such bye-laws, rules and ordinances, be not contradictory or repugnant to the laws and statutes of the province, or those in force within the same; and provided also, that such bye-laws, rules and ordinances, shall not be of any force or effect until the same shall have been submitted to, and approved by the lieutenant-governor or commander in chief for the time being; nor until the same shall have been registered in the office of the registrar of deeds for the county of King's.
May hold real estate.	
May make bye laws.	
Proviso.	2. The said company shall not have, take, hold, possess and enjoy, at any one time, lands, tenements or hereditaments, of greater value than two thousand pounds.
Not to hold lands of greater value than £20,000.	3. The said company, and its affairs and business, shall be under the management and direction of a president and such other officers as shall or may be named or designated by the bye-laws of the said company; and the capital of the said company shall be limited to the sum of two thousand pounds, to be divided into shares of five pounds each; and such shares shall be assignable and transferrable in such manner, and upon such terms, as by the said bye-laws may be also provided and directed.
President and officers.	4. It shall and may be lawful for the said company, when formed, to build and erect a public pier or wharf near the French cross, in the said township of Aylesford, upon any land, or piece of land covered with water, to which the said corporation is or may be entitled, and to put up and erect such stores and buildings thereon, or contiguous thereto, on any land to which the said corporation is or may be entitled, as they may deem necessary and proper, for the accommodation of the public—which said pier or wharf, stores and buildings, shall be open and free for the use of all ships and vessels, and persons whomsoever, subject to such rates of dockage, wharfage and storage, as shall be fixed and established by the said company, by and with the consent, sanction and approbation of the court of general sessions of the peace for the county of King's.
Capital.	
May erect a public pier near the French cross,	
And erect buildings.	

5. For and notwithstanding any real estate which the said company may hold at any time, the shares and interest of the shareholders of and in the capital stock and funds of the said company, shall be held and deemed to be personal property to all intents and purposes whatsoever.

Shares to be held
personal property

6. All such lands and real estate, stores and buildings, or so much thereof as may be necessary to satisfy the same, may be taken under any writ of execution issuing upon a judgment obtained against the said corporation, and sold in the same manner as goods and chattels may be taken and sold; and the sheriff shall immediately after such sale, make and execute a deed to the purchaser or purchasers—which deed shall convey and transfer all the estate and interest of the said corporation in the lands, stores or buildings, so taken, sold and conveyed.

Lands, &c. liable
to be taken in ex-
ecution.

7. Nothing herein contained shall be held, or construed to give to the said company, the privilege of dealing in the lending of money, by way of discount or otherwise, or engaging in any banking operations whatsoever, or to become underwriter or underwriters upon any insurance on any ship or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

Not to deal in
lending money,
&c., or insurance.

8. The names of all the members of the said corporation, and the number of shares owned by them respectively, shall be registered in the office of the registrar of deeds in the county of King's; and no transfer of any share in the said corporation shall be final and effectual until the certificate thereof shall have been registered in the said office, to the end it may be publicly known who are the persons composing the said corporation.

Names of mem-
bers to be regis-
tered.

9. Nothing herein contained shall extend, or be deemed, construed, or taken to extend, to relieve or discharge the said corporation, or any of the present or future proprietors, or other holders of shares in the said company, from any responsibility, contract, duty, or obligation whatsoever, to which, by law, such proprietors or holders of shares now are, or at any time hereafter may be, or would have been subject or liable, had not this act been passed, as between such company and any other party or parties whomsoever, in any manner or way howsoever; and every proprietor or holder of such shares in the said company, his or her lands, goods and chattels, shall be liable, under any execution that may be issued against the said corporation, in the same manner, and to the same extent, as if this act had not been passed.

Holders of shares
not discharged
from any liab-
ility.

10. In every case when any person shall have, before the passing of this act, actually contributed to the said pier or wharf the sum of five pounds or upwards, the said person shall be deemed a shareholder in the said corporation, and be entitled to one share for every five pounds of the amount by him so actually contributed as aforesaid, and also, to one vote for every such share.

Value of share

And whereas during the last session of the general assembly, the sum of one hundred pounds was granted to aid the inhabitants of the said township of Aylesford, in the erection of a breakwater

Preamble.

at the French cross aforesaid, in the said township, to be drawn when it should be satisfactorily made to appear to his excellency the lieutenant-governor that the sum of two hundred pounds had been raised by private contributions, and expended on said work, and that the use of the pier had been secured to the public; and whereas it is proper that the company hereby incorporated should be authorized to draw the said sum of money, so granted as aforesaid, upon complying with the requisites of the grant:

£100 to be granted to company.

10. The said sum of one hundred pounds so granted as aforesaid, shall and may be drawn when it shall be made satisfactorily to appear to his excellency the lieutenant-governor that the sum of two hundred pounds has been raised by the said company hereby incorporated, and expended on the said pier or wharf, near the French cross, in Aylesford, and that the use of the said pier or wharf has been secured to the public, and subject to the provisions of this act.

Continuation.

12. This act shall continue and be in force for thirteen years, and from thence to the end of the then next session of the general assembly.

8 Vic., chap. 38. AN ACT TO INCORPORATE THE MARSHALL COVE PIER COMPANY.

Passed 14th April, 1845.

Preamble.

Whereas the erection of a pier or breakwater at Marshall's cove, in the township of Wilmot, would be highly advantageous to the inhabitants of the said township, and it is expedient to encourage the building of such pier or breakwater; and whereas the several persons hereinafter named, with divers others, have agreed to form themselves into a company for the above purpose.

Company incorporated.

1. *Be it enacted, &c.*, That Handley Starritt, John Graves, Thomas Graves, Robertson Marshall, David Marshall, Archelaus Smith, Thomas Johnson, Andrew Kenny, John Brenton, Charles Brenton, James Hall, John Hall, John Ristun, Peter Starritt, Andrew Templeman, Walter Wilson, David Casson, John Clark, Phineas Graves, Silas Charlton, Joseph Banks, and such other person or persons as shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and they are hereby erected into a company, and declared to be a body politic and corporate in deed and in name, by the name of the Marshall's cove pier company, and by that name shall and may have succession and a common seal; and by that name shall and may sue and be sued, and be impleaded, answer and be answered unto, in any court or courts of law or equity, or place whatsoever, and be able and capable in law to have,

Name and seal.

hold, purchase, take, receive, possess and enjoy houses, stores, lands and tenements, and real estate whatsoever, materials, goods, chattels, and all other things, real, personal or mixed, and also to give, grant, let, assign or convey the same, or any part thereof, and to do and execute all other things in and about the same as shall and may be thought necessary and proper for the benefit and advantage of the said corporation; and also that the said company, or the major part of them, shall from time to time and at all times have full power, authority and license to constitute, ordain, make and establish, change, vary and alter such bye laws, rules and ordinances as may be thought necessary for the good order and government of the said corporation, provided such bye laws, rules and ordinances be not contradictory or repugnant to the laws and statutes of the province, or those in force within the same: and provided also, that such bye laws, rules and ordinances shall not be of any force or effect until the same shall have been submitted to and approved by the governor, lieutenant governor or commander in chief for the time being, nor until the same shall have been registered in the office of the registrar of deeds for the county of Annapolis.

Proviso.

2. The said company shall not have, take, hold, possess and enjoy at any one time, lands, tenements or hereditaments of greater value than two thousand pounds.

Not to hold lands of greater value than £2000.

3. The said company, and its affairs and business, shall be under the management and direction of a president and such other officers as shall or may be named or designated by the bye-laws of the said company; and the capital of the said company shall be limited to the sum of two thousand pounds, to be divided into shares of five pounds each, and such shares shall be assignable and transferable in such manner and upon such terms as by the said bye-laws may be also provided and directed.

President and officers.

Capital.

4. It shall and may be lawful for the said company, when formed, to build and erect a public pier or wharf at Marshall's cove, in the said township of Wilmot, upon any land or piece of land covered with water to which the said corporation is or may be entitled, and to put up and erect such stores and buildings thereon or contiguous thereto, on any land to which the said corporation is or may be entitled as they may deem necessary and proper for the accommodation of the public, which said pier or wharf, stores and buildings shall be open and free for the use of all ships and vessels, and persons whomsoever, subject to such rates of dockage, wharfage and storage as shall be fixed and established by the said company, by and with the consent, sanction and approbation of the court of general sessions of the peace for the county of Annapolis.

May erect a pier, &c., at Marshall's cove.

5. For and notwithstanding any real estate which the said company may hold at any time, the shares and interest of the shareholders of and in the capital stock and funds of the said company shall be held and deemed to be personal property to all intents and purposes whatsoever.

Shares to be held personal property

Lands, &c. liable
to be taken in ex-
ecution as goods.

6. All such lands and real estate, stores and buildings, or so much thereof as may be necessary to satisfy the same, may be taken under any writ of execution issuing upon a judgment obtained against the said corporation, and sold in the same manner as goods and chattels may be taken and sold, and the sheriff shall immediately after such sale make and execute a deed to the purchaser or purchasers, which deed shall convey and transfer all the estate and interest of the said corporation in the lands, stores or buildings so taken, sold and conveyed.

Not to deal in lend-
ing money, &c.,
or insurance.

7. Nothing herein contained shall be held or construed to give to the said company the privilege of dealing in the lending of money by way of discount or otherwise, or engaging in any banking operation whatsoever, or to become underwriter or underwriters upon any insurance on any ship or vessel or marine risk, or upon any loss by fire, or upon any life or lives.

Names of mem-
bers to be regis-
tered.

8. The names of all the members of the said corporation, and the number of shares owned by them respectively, shall be registered in the office of the registrar of deeds in the county of Annapolis, and no transfer of any share in said corporation shall be final and effectual, until the certificate thereof shall have been registered in the said office, to the end it may be publicly known who are the persons composing the said corporation.

Holders of shares
not discharged
from any liability.

9. Nothing herein contained shall extend, or be deemed, construed or taken to extend to relieve or discharge the said corporation, or any of the present or future proprietors or other holders of shares in the said company, for any responsibility, contract, duty, or obligation whatsoever, to which by law such proprietors or holders of shares, now are or at any time hereafter may be or would have been subject or liable, had not this act been passed, as between such company and any other party or parties whomsoever, in any manner or way howsoever, and every proprietor or holder of such shares in the said company, his or her lands, goods and chattels, shall be liable under any execution that may be issued against the said corporation, in the same manner and to the same extent as if this act had not been passed.

Who may be
shareholders.

10. In every case where any person shall have before the passing of this act, actually contributed to the said pier or wharf the sum of five pounds or upwards, the said person shall be deemed a shareholder in the said corporation, and be entitled to one share for every five pounds of the amount by him so actually contributed as aforesaid, and also to one vote for every such share.

Continuation of
act.

11. This act shall continue and be in force for ten years, and thence to the end of the then next session of the general assembly.

AN ACT TO INCORPORATE THE GIVAN WHARF COMPANY.

10 Vic., chap. 66.

Passed 17th March, 1847.

Whereas a pier or wharf at Givan's cove, in the township of Cornwallis, has been commenced, and the completion thereof would be highly advantageous to the inhabitants of the said township, and it is expedient to encourage the building of such pier or wharf :

Preamble.

1. *Be it enacted, &c.*, That Alfred Skinner, Nathan Parker, Pelatiah Kinsman, Samuel Beckwith, and such other persons as shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and they are hereby erected into a company, and declared to be a body, politic and corporate in deed and in name, by the name of "the Givan wharf company," and by that name shall have succession and a common seal ; and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity or place whatsoever, and be able and capable in law to have, hold, purchase, take, receive, possess and enjoy houses, stores, lands and tenements, and real estate whatsoever, materials, goods, chattels, and all other things real, personal or mixed ; and also to give, grant, let, assign or convey the same or any part thereof, and to do and execute all other things in and about the same as may be thought necessary and proper for the benefit and advantage of the said corporation ; and also that the said company, or the major part of them, shall from time to time and at all times have full power, authority and license to constitute, ordain, make and establish, change, vary and alter such bye-laws, rules and ordinances as may be thought necessary for the good rule and government of the said corporation : provided such bye-laws, rules and ordinances be not contradictory or repugnant to the laws or statutes of this province, or those in force within the same ; and provided also, that such bye-laws, rules and ordinances shall not be of any force or effect until the same shall have been submitted to and approved by the governor in council, nor until the same shall have been registered in the office of the registrar of deeds for King's county.

Incorporation of the Givan wharf company.

Proviso.

2. The said company shall not have, take, hold, possess and enjoy at any one time, lands, tenements or hereditaments of greater value than two thousand pounds.

Limitation of real estate.

3. The said company, and its affairs and business, shall be under the management and direction of a president and such other officers as may be named or designated by the bye-laws of the said company ; and the capital of the said company shall be limited to the sum of two thousand pounds, to be divided into shares of five pounds each, and such shares shall be assignable and transferable in such manner and upon such terms as by the said bye-laws may be also provided and directed.

Management of company—division of capital, &c.

Erection of wharf,
&c.

4. It shall be lawful for the said company to build, erect and complete a public pier or wharf at Givan's cove, in the said township of Cornwallis, upon any land or piece of land covered with water to which the said corporation is or may be entitled; and to put up and erect such stores and buildings thereon or contiguous thereto on any land to which the said company is or may be entitled, as they may deem necessary and proper for the accommodation of the public—which said pier or wharf, stores and buildings shall be open and free for the use of all ships and vessels, and persons whomsoever, subject to such rates of dockage, wharfage and storage as shall be fixed and established by the said company, by and with the consent, sanction and approbation of the court of general sessions of the peace for Kings' county.

Shares deemed
personal property

5. For and notwithstanding any real estate which the said company may hold at any time, the shares and interests of the shareholders of and in the capital stock and funds of the said company shall be held and deemed to be personal property to all intents and purposes whatsoever.

Sales of real estate under execution.

6. All such lands and real estate, stores and buildings, or so much thereof as may be necessary to satisfy the same, may be taken under any writ of execution issuing upon a judgment obtained against the said corporation, and sold in the same manner as goods and chattels may be taken and sold; and the sheriff shall, immediately after such sale, make and execute a deed to the purchaser, which deed shall convey and transfer all the estate and interest of the corporation in the lands, stores or buildings so taken, sold and conveyed.

Company not to
engage in banking
or insurance,
&c.

7. Nothing herein contained shall be held or construed to give the said company the privilege of dealing in the lending of money by way of discount or otherwise, or engaging in any banking operations whatsoever, or to become underwriters upon any insurance of any ship or vessel or marine risk, or upon any loss by fire, or upon any life.

Registration of
member's names,
&c.

8. The names of all the members of the said corporation, and the number of shares owned by them respectively, shall be registered in the office of the registrar of deeds in Kings' county; and no transfer of any share in said corporation shall be final and effectual until the certificate thereof shall have been registered in the said office, to the end it may be publicly known who are the persons comprising the said corporation.

Liability of shareholders.

9. Nothing herein contained shall extend or be construed to extend to relieve or discharge the said corporation, or any of the present or future proprietors or other holders of shares in the said company, from any responsibility, contract, duty or obligation whatsoever to which by law such proprietors or holders of shares now are or at any time hereafter may be or would have been subject or liable had not this act been passed as between such company and any other party whomsoever in any manner or way whatsoever; and every proprietor or holder of such shares in the said company, his lands, goods and chattels, shall be liable under any

execution that may be issued against the said corporation in the same manner and to the same extent as if this act had not been passed.

10. In every case when any person shall have, before the passing of this act, actually contributed to the said pier or wharf the sum of five pounds or upwards, the said person shall be deemed a shareholder in the said corporation, and be entitled to one share for every five pounds by him so actually contributed as aforesaid, and also to one vote for every such share.

Contributor of £5 deemed a member.

11. Nothing in this act contained shall extend or be construed to extend to prejudice or in any manner affect the rights of her majesty, her heirs and successors, or of any persons, bodies politic or corporate, their respective successors, executors, administrators and assigns.

Act not to affect rights of her majesty, &c.

12. This act shall continue and be in force for eight years, and thence to the end of the then next session of the general assembly.

Duration of act.

AN ACT TO INCORPORATE THE COMMERCIAL WHARF COMPANY OF YARMOUTH.

13 Vic., chap. 24.

Passed 28th March, 1850.

1. *Be it enacted, &c.*—The following persons residing at Yarmouth, in this Province, namely:—Elisha W. B. Moody, Reuben Clements, Benjamin Ellenwood, Jacob Utley, and such other persons as shall become proprietors of shares in the corporation hereby established, their successors and assigns, are hereby constituted a body, politic and corporate, by the name of the “commercial wharf company of Yarmouth,” and by that name shall have succession and a common seal, and by that name may sue and be sued, and may take, purchase, and hold real and personal estate, and may let, assign, or convey the same in accordance with the bye-laws of the company, and may make, alter, and repeal bye-laws for the government of the company; but such bye-laws shall not be effectual in so far as they are contradictory or repugnant to the laws of this province, nor until they have been approved by the governor in council, nor until they have been registered in the office of the registrar of deeds for the county of Yarmouth.

Commercial wharf company of Yarmouth incorporated.

2. The company shall not hold at any one time real estate of greater value than five thousand pounds.

£5000 real estate.

3. The property and business of the company shall be under the management of a president, and such other officers as may be directed by the bye-laws.

Management of company.

4. The capital of the company shall be limited to the sum of five thousand pounds, to be divided into shares of twenty-five pounds each; and such shares shall be assignable and transferable, in such manner as may be directed by the bye-laws.

Capital of company limited to £5000.

5. Notwithstanding the company may hold real estate, the shares of the stockholders shall be deemed to be personal property for all purposes.

Shares to be personal property.

Real estate may be sold under execution as personal estate.

6. The real estate of the company may be sold under execution, in the same manner as personal estate; and the sheriff shall, immediately after the sale, execute a deed to the purchaser, which shall convey all the estate and interest of the corporation in the real estate so sold and conveyed.

Company not to engage in banking operations.

7. It shall not be lawful for the company to deal in the lending of money, by way of discount, or otherwise, or engage in any banking operation, or to become underwriters in any marine, fire, or life insurance.

Names of members of corporation to be registered.

8. The names of all the members of the corporation and the number of shares owned by them respectively, shall be registered in the office of the registrar of deeds in the county of Yarmouth; and no transfer of any share in the company shall be effectual, until the certificate thereof shall be registered in the same office, to the end that it may be publicly known who are the persons composing the corporation.

Shareholders not discharged from liability.

9. Nothing herein contained shall discharge the persons hereinafter named, or any subsequent shareholders, from any legal responsibility to which they may, as individuals, or otherwise now be or hereafter become subject; and every proprietor, his real and personal estate, shall be liable under execution issued against the corporation.

Contributors of £25 to be shareholders.

10. Every person who shall have contributed and paid the sum of twenty-five pounds or upwards, towards the undertaking hereby established, before the passing of this act, shall be deemed a shareholder in the corporation; and each shareholder having paid all calls on him made which shall at the time be due, shall be entitled to vote at any annual or special meeting of the company, according to the number of shares he may possess, namely—the owner of one share shall have one vote, the owner of three shares two votes, and the owner of six or any greater number of shares, three votes, and no more; and any shareholder may give his votes by proxy, duly constituted according to the bye-laws; but the person applying to vote under such proxy must be a shareholder and entitled to vote at the meeting.

Regulation of votes.

Not to affect her majesty's rights.

11. This act shall not affect the rights of her majesty, her heirs or successors, nor of any private individual, or body politic or corporate.

To continue 20 years.

12. This act shall be in force for twenty years, and thence to the end of the then next session of the general assembly.

13 Vic., chap. 37. AN ACT TO PROVIDE FOR THE REMOVAL OF OBSTRUCTIONS FROM THE LIVERPOOL RIVER.

Passed 28th March, 1850.

Governor to appoint commissioners.

1. *Be it enacted, &c.*—The governor in council may appoint five commissioners for the purposes of this act.

2. The commissioners shall have power to remove from the Liverpool river all obstructions existing between the Indian gardens and Milton, and to erect wing-dams at such places, and in such manner as they shall see fit, and do all other necessary things so as to facilitate the passing of logs, timber, and lumber, down the river; and for that purpose may enter upon the lands of private individuals, doing no unnecessary damage.

Commissioners may remove obstructions.

3. The commissioners may borrow upon their own credit, or upon the credit of the tolls arising from the undertaking, as hereinafter mentioned, such sums of money not exceeding six hundred pounds in the whole, as may be necessary for the purposes aforesaid.

Commissioners may borrow money.

4. When the undertaking is completed, the commissioners may collect a toll of such amount and in such manner, and under such regulations for enforcing payment thereof as the court of general sessions, or any special sessions called for the purpose may from time to time direct, upon all logs, timber, and lumber brought down the river between the Indian gardens and Milton, and shall apply such tolls to the payment of the amount borrowed for the completion of the undertaking, with interest; but no toll shall be levied after such amount is liquidated.

Commissioners to collect tolls to be appointed by session.

5. The commissioners shall annually submit an account of their expenditures and proceedings, and of the tolls collected, to the general sessions of the peace.

Commissioners annually to submit accounts.

6. Nothing herein contained shall be construed to sanction a claim on the general revenues of the province, nor to authorize any interference with the navigation or fisheries of the river, further than may be absolutely necessary for the purposes above mentioned, nor to affect or injure the rights of private individuals, further than is herein expressly provided.

Restrictions.

AN ACT TO PROVIDE FOR THE REMOVAL OF OBSTRUCTIONS FROM
JORDAN RIVER.

Passed 31st March, 1851.

1. *Be it enacted, &c.*—The governor in council may appoint five commissioners for the purposes of this act.

Governor to appoint five commissioners.

2. The commissioners shall have power to remove from Jordan river, in the county of Shelburne, all obstructions existing between the bridge at the post road and a point twenty-five miles further up the river, and may erect wing-dams at such places and in such manner as they shall see fit, and to do all other necessary things so as to facilitate the passing of logs, timber and lumber down the river; and for that purpose may enter upon the lands of private individuals, doing no unnecessary damage thereto.

Commissioners may remove obstructions.

May borrow a sum not exceeding £600.

Commissioners may levy a toll on completion of undertaking.

Tolls to be applied to payment of loan.

Commissioners to submit annual account to sessions.

Does not affect provincial revenues, &c.

3. The commissioners may borrow upon their own credit, or upon the credit of the tolls arising from the undertaking, such sums of money, not exceeding six hundred pounds in the whole, as may be necessary to complete the undertaking.

4. When the undertaking is completed, the commissioners may collect a toll of such amount, and in such manner and under such regulations for enforcing payment thereof, as the court of general sessions or any special sessions called for the purpose may from time to time direct, upon all logs, timber and lumber brought down the river between the limits above mentioned, or any part thereof, and shall apply such tolls to the payment of the amount borrowed for the completion of the undertaking, with interest; but no toll shall be levied after the amount is liquidated.

5. The commissioners shall annually submit an account of their expenditures and proceedings, and of the tolls collected, to the general sessions.

6. Nothing herein contained shall be construed to sanction a claim on the general revenues of the province, nor to authorize any interference with the navigation or fisheries of the river, further than may be absolutely necessary for the purposes above mentioned, nor to affect or injure the rights of private individuals further than is herein expressly provided.

14 Vic., chap. 26. AN ACT TO PROVIDE FOR THE REMOVAL OF OBSTRUCTIONS FROM
SALTER'S AND WENTWORTH'S BROOKS ON PORT MEDWAY RIVER.

Passed 31st March, 1851.

Appointment of commissioners.

Powers of commissioners.

May borrow money.

May collect tolls to be levied by general sessions.

1. *Be it enacted, &c.*—The governor in council may appoint five commissioners for the purposes of this act.

2. The commissioners shall have power to remove from Salter's and Wentworth's brooks, on the Port Medway river, in the county of Queen's, all obstructions existing therein, and may erect wing-dams at such places and in such manner as they shall see fit, and do all other necessary things so as to facilitate the passing of logs, timber, wood and lumber, down such brooks, and for that purpose may enter upon the lands of private individuals, doing no unnecessary damage thereto.

3. The commissioners may borrow upon their own credit, or upon the credit of the tolls arising from the undertaking, such sums of money, not exceeding five hundred pounds, for Salter's brook, and not exceeding three hundred pounds for Wentworth's brook, as may be necessary for the completion of the several undertakings above mentioned.

4. When the undertakings, or either of them, shall be completed, the commissioners may collect tolls of such amounts, and in

such manner, and under such regulations for enforcing the same, as the court of general sessions, or any special sessions called for the purpose may from time to time direct, upon all logs, timber, wood and lumber, brought down such brooks respectively, and shall apply the tolls arising therefrom to the payment of the amounts borrowed for the completion of the undertakings respectively, with interest, but no toll shall be levied on either of such brooks after the amount expended thereon, with interest shall be liquidated.

Application of
tolls.

5. The commissioners shall annually submit an account of their expenditures and proceedings in relation to each undertaking separately, and of the tolls collected thereon, to the general sessions.

Accounts of com-
missioners.

6. Nothing herein contained shall be construed to sanction a claim on the general revenues of the province, nor to authorize any interference with the navigation or fisheries of such brooks respectively, further than may be absolutely necessary for the purposes above mentioned, or to affect or injure the rights of private individuals, further than is herein expressly provided.

Construction ex-
plained.

AN ACT TO INCORPORATE THE LEQUILLE MILLS AND MANUFACTURING COMPANY.

14 Vic., chap. 9.

Passed 31st March, 1851.

1. *Be it enacted, &c.*—Thomas Ritchie, Edward H. Cutler, George S. Milledge, and such other persons as are or hereafter may become shareholders in the company hereby established, shall be a body corporate by the name of the lequille mills and manufacturing company, for the purpose of conducting the manufacture of cotton and woollen cloths in the county of Annapolis.

Lequille mills and
manufacturing
company incorpo-
rated.

2. The capital stock of the company shall be the sum of one thousand five hundred pounds, but may be increased from time to time by the bye-laws to any sum not exceeding fifteen thousand pounds, to be divided into shares of five pounds each.

Capital stock of
company.

3. The company may hold real estate not exceeding the value of five thousand pounds.

Company may
hold real estate.

4. No member of the corporation shall be liable for the debts of the company in his person or separate estate, for a greater amount in the whole than double the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Liability of mem-
bers.

5. The bye-laws and list of shareholders shall be registered in the county of Annapolis.

Bye laws, &c. to
be registered.

6. The company shall not go into operation until one hundred and sixty shares shall have been subscribed, and the sum of five hundred pounds actually paid in on account thereof.

Capital to be paid
up.

14 Vic, chap. 24. AN ACT TO INCORPORATE THE PICTOU FISHING AND TRADING COMPANY.

Passed 31st March, 1851.

Names of mem-
bers incorporated.

1. *Be it enacted, &c.*—John Yorston, William Gordon, James S. Arnison, Alexander P. Ross, Cornelius Dwyer, Peter Brown, Samuel Taylor, Robert McKay, James Purves, James Yorston, James D. B. Fraser and William James Anderson, and such other persons as are or may become shareholders in the company hereby established, shall be a body corporate, by the name of the "Pictou fishing and trading company," for the purpose of prosecuting the fisheries from the port of Pictou and for trading purposes connected therewith.

May hold real es-
tate not exceeding
£5000.

2. The company may hold real estate not exceeding the value of five thousand pounds.

Capital to be
£1000 and not
over £10,000—
shares £5.

3. The capital stock of the company shall be one thousand pounds, but may be increased from time to time by the bye-laws to any sum not exceeding ten thousand pounds, to be divided into shares of five pounds each; but the company shall not go into operation until one hundred and sixty shares shall be subscribed, and the sum of five hundred pounds actually paid in on account thereof.

Operations sus-
pended until 160
shares taken and
£500 paid in.

Liability of mem-
bers.

4. No member of the company shall be liable in his person or separate estate for a greater amount in the whole than double the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Bye laws and
shareholders to be
registered.

5. The bye-laws and list of shareholders shall be registered in the office of the registrar of deeds in the county of Pictou.

14 Vic., chap. 13. AN ACT TO PROVIDE FOR EXTENDING THE EASTERN SHORE ROAD IN THE COUNTY OF HALIFAX.

Passed 31st March, 1851.

Governor may ap-
point commission-
er to lay out the
shore road and
expend £10,000.

1. *Be it enacted, &c.*—So soon as any person shall give security to the satisfaction of the governor, in such manner and to such amount as he shall direct, that the extension of the eastern shore road in the county of Halifax, from Musquodoboit harbor to Ship harbor, and other settlements lying on the eastern coast, will be commenced without delay, and that monies for that purpose to the

extent of one thousand pounds will be forthwith provided and paid and advanced during the progress of the work as may be required; the governor may appoint a commissioner or commissioners for the purpose of superintending the expenditure of such monies, who shall lay out the same in opening and completing the road, and shall return, upon oath, to the office of the provincial secretary, a full and accurate account of the monies expended thereon.

2. Until the monies so advanced, with interest thereon, shall be repaid, there shall be annually appropriated out of the monies granted for the service of roads and bridges for the county of Halifax, one third part of the sum so advanced, with the interest then due, to be paid to the lender thereof, in whose favor the governor may draw warrants on the treasury for such yearly amount, and if the monies so allotted shall be less than the third part of the sum advanced with the interest, in any one year, the whole monies granted shall be appropriated for such purpose.

3. In case hereafter no monies shall be granted or appropriated for the service of roads and bridges in the county of Halifax, nothing herein contained shall be held to be any pledge, guarantee, or lien of or upon the public funds or revenue of the province, for re-payment of the monies so advanced.

One-third of monies granted for roads and bridges to be paid to lender thereof.

In case no monies granted for roads, &c., public funds not to be pledged.

AN ACT TO PROVIDE FOR THE ERECTION OF A COURT HOUSE IN HALIFAX.

14 Vic., chap. 3.

Passed 7th April, 1861.

1. *Be it enacted, &c.*—The grand jury of the county of Halifax shall present, and the court of sessions shall confirm, two-thirds of such sums of money as may be necessary for the erection of a court house in the county of Halifax as hereinafter mentioned, as well as for providing a site therefor.

Grand jury to present sums of money for court house.

2. Such building shall be erected on the site known as the poor house burying ground, in the city of Halifax, if the same can be obtained for the purpose, and shall be of stone or brick at the option of the grand jury and sessions, or of the supreme court, if they shall neglect to act as hereinafter mentioned.

Building to be erected on poor house burying ground.

3. The grand jury and sessions shall cause to be procured, plans for the erection of the building, and after the same have been subjected to the inspection of and have been approved by the governor in council, shall proceed to the erection and finishing of the building.

Grand jury and sessions to procure plans, &c.

4. The court house shall contain two rooms for the supreme court, with such robing and jury rooms as may be necessary; an apartment for the law library, offices for the prothonotary and registrar in chancery whenever it may be necessary for them to

Rooms to be contained therein.

remove from the rooms in the provincial building now occupied by them, and apartments for the keeper of the building.

Chancery and vice admiralty to have use of supreme court room therein.

5. The courts of chancery and vice admiralty shall have the use of the court rooms and other apartments in the building as may be required, but not so as to interfere with the occupation thereof by the supreme court; and the probate and other courts may also use them, when not otherwise in use, as may be permitted by the governor in council.

One-third of cost to be paid out of public funds.

6. One third of the cost of the site and building shall be paid out of the public funds.

If grand jury and sessions neglect, supreme court to amerce.

7. In case the grand jury and sessions at their June term shall not make arrangements for procuring the plans and site, erecting the building and assessing therefor with all convenient speed, the site shall be purchased under the direction of the supreme court, who shall also order the plans, and whenever the same are approved by the governor in council, shall amerce the county for two-thirds of the sum necessary to erect and finish the building, and shall proceed to erect and finish the same.

14 Vic., chap. 23.

AN ACT RESPECTING FIRE ENGINES AT DARTMOUTH.

Passed 31st March, 1861.

Grand jury may present £200 for new fire engine for Dartmouth.

1. *Be it enacted, &c.*—The grand jury of the county of Halifax may present, and the general sessions may confirm a sum not exceeding two hundred pounds, to provide a new fire engine for the use of the inhabitants of the town of Dartmouth, and to repair the old one.

To be levied on inhabitants in Dartmouth.

2. The sum so presented and confirmed shall be assessed, levied, and collected from such only of the inhabitants of Dartmouth as may be resident within the limits following, viz: within the space of one mile, measured in a southwardly, eastwardly, and northwardly direction, from the steam boat company's wharf in Dartmouth, in the same manner and by the same means in all respects as if assessments for the purposes aforesaid had been originally by law confirmed to such limits.

Such persons as have paid any monies under 10 Vic. chap. 29, shall receive credit therefor.

3. Such persons as have paid any monies on account of the assessment made for such purpose under the act tenth Victoria, chapter twenty-nine, shall receive credit in the assessment hereby authorized for the amounts so paid by them respectively, and if any part of the monies so collected shall have been paid by parties not liable to the assessment hereby authorized when the same shall be levied, such monies shall be returned to them by the county treasurer out of the funds so collected and now in his hands, deducting therefrom in the first place all monies expended in repairing the engine heretofore in use in the town of Dartmouth.

AN ACT CONCERNING THE CITY OF HALIFAX. 14 Victoria.

Passed 31st March, 1851.

See Revised Statutes
of Nova Scotia, 1851
Commissioners' Report
p. xii.

CHAPTER I.

OF THE INCORPORATION OF THE CITY OF HALIFAX.

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1. The inhabitants of the town and peninsula of Halifax are constituted a body politic and corporate, by the name of the CITY OF HALIFAX. City incorporated

2. They shall, as a corporation, have perpetual succession and a common seal, changeable at pleasure—shall be capable of suing and being sued in all courts of justice, and of acquiring, holding and conveying any description of property, real, personal or mixt. Powers of corporation.

3. The town and peninsula of Halifax, and all docks, quays, wharves, slips and other erections connected with its shores, shall be included in and called the city of Halifax. Limits.

4. The city of Halifax is divided into six wards, the descriptions of which follow: Wards—

Number one. Commences on the shore on the east side of water street, at a point opposite to the centre or middle of Wallace One.

street; thence running westwardly through the centre of said street to Barrington street; thence northwardly through the centre of said street to the street known as the Spring Garden road; thence by the centre of the said street westwardly to the termination thereof; thence southwardly to the road which leads to the Northwest Arm past Studley; thence westwardly by the centre of said road to the Northwest Arm; thence by the shore southwardly and eastwardly by the courses of the shore to the place of beginning.

Two.

Number two. Commences on the harbor of Halifax at the centre of Noble's wharf; thence running westwardly by the centre of Sackville street until it intersects the road which crosses the common in the rear of citadel hill; thence northwardly and westwardly through the centre of the said road past the windmill hill to the shores of the Northwest Arm; thence southwardly by the courses of the said shore to the centre of the road which leads to the Northwest Arm by Studley, being the northern bounds of ward number one; thence eastwardly by the centre of said road and by the Spring Garden road to Barrington street; thence southwardly through the centre of the said street to Wallace street; thence eastwardly through the centre of said street to the point of commencement of ward number one; thence by the harbor to the place of beginning.

Three.

Number three. Commences on the harbor of Halifax, at the centre of Ryan's wharf; thence running westwardly by the centre of Duke street across the citadel hill to the road which crosses the common in the rear thereof; thence southwardly by the centre of the said road until it is intersected by Sackville street; thence eastwardly through the centre of Sackville street to the point of commencement of ward number two; thence by the harbor to the place of beginning.

Four.

Number four. Commences on the harbor of Halifax, at the centre of Leppert's wharf; thence running westwardly by the centre of Jacob street to Barrack street; thence northwardly through the centre of that street to the street which leads westwardly past the barrack stores to the road which crosses the common in the rear of citadel hill; thence southwardly by the said road to the northern line of ward number three; thence eastwardly by the said line until it strikes the centre of Duke street; thence through the centre of said street eastwardly to the place of commencement of ward number three; thence by the harbor to the place of beginning.

Five.

Number five. Commences on the harbor of Halifax, at the south-western corner of the Dockyard wall; thence running westwardly by the centre of Gerrish street to Gottingen street; thence northwardly by the centre of Gottingen street to north street; thence westwardly by the centre of North street until it reaches the Dutch village road; thence through the centre of said road until it reaches the brook which runs into the North-west Arm;

thence southwardly by the shore of the said Arm until it meets the northern line of ward number two; thence by the said line eastwardly through the centre of windmill hill road to the road which crosses the common in the rear of citadel hill; thence northwardly by said road until it is intersected by the road which runs westwardly from Barrack street past the North Barracks; thence eastwardly through the centre of said street to Barrack street; thence southwardly by the centre of said street to the centre of Jacob street; thence eastwardly by the centre of said street to the place of commencement of ward number four; thence by the harbor to the place of beginning.

Number six. Commences at the south-western corner of the Dockyard wall; thence running northwardly on the eastern side of the Dockyard, by the shores of the harbor and Basin northwardly to the place where the Basin road is intersected by the road running through the Dutch village by Titus Smith's; thence southwardly by the said road until it intersects the road leading from the town of Halifax past Hosterman's mills; thence eastwardly through the centre of said road until it meets North street; thence eastwardly through the centre of North street until it intersects Gottingen street; thence by the centre of Gottingen street until it is intersected by Gerrish street; thence eastwardly by the centre of Gerrish street to the place of commencement at the south-west corner of the Dockyard.

5. The mayor and aldermen shall constitute the city council.

SIX.

City council.

6. The number of aldermen shall be in all eighteen, three representing each ward.

Aldermen.

7. There shall be two officers for each ward, to be called ward assessors.

Ward assessors.

8. The city council shall have the power of making bye-laws, and shall administer the revenues and finances of the city—shall have the charge and care of the city property—shall conduct its local government, and be authorized and competent to make, enter into and accept all contracts in relation to the business of the corporation.

Powers of city council.

9. The present mayor, alderman, recorder, city clerk and other officers of the city of Halifax shall respectively continue in office, and be bound to serve for the residue of the terms for which they have each been elected or appointed.

Continuation of present officers.

10. Immediately after passing of this act, the city council shall make a list of the aldermen, by placing in numerical succession the six wards, and under each ward the names of the present aldermen in order of seniority, so arranged that those whose terms of service will expire soonest shall have priority; and every alderman hereafter elected shall be entered also thereon from time to time, provided any alderman elected to fill a vacancy shall take the place on the list which the person he succeeds previously held.

Lists of aldermen.

ELECTIONS.

- Election of mayor, &c.** 11. The elections of mayor, aldermen and ward assessors shall take place annually on the first day of October in the present and every future year.
- Elector's qualification.** 12. In order to qualify a citizen to vote at any election of mayor, alderman or ward assessor, he must be a natural born or naturalized male subject of her majesty, of the full age of twenty-one years, not attainted of treason or felony, and must also have resided in the city of Halifax for one year previous to the election, and have paid rates (poor and city rates) therein during the year preceding such election.
- Qualification of mayor, &c.** Any person having a shop, store or office in the city, and conducting a business therein on his own account solely, or as a recognized partner in business, for three years previous to any election, shall, although his residence is out of the city, be deemed to dwell in the ward in which he conducts his business, and, being otherwise qualified, shall have the right of voting therein.
- Disqualifications for office.** 13. To qualify a citizen to be eligible as mayor or alderman, or as ward assessor, he must in addition to the qualifications necessary to a voter, be the owner in his own right of property within the city, real or personal, of the value of five hundred pounds beyond the amount he may justly owe. Every ward assessor shall have been resident for one year before his election within the ward electing him, and no citizen shall be eligible as mayor unless he shall previously serve for one year as a member of the city council.
- Eligibility, how determined.** 14. No person in holy orders,—no minister or teacher of any religious congregation,—no judge or clerk of a court,—no ministerial law-officer of the crown,—no person accountable for city taxes or revenues,—no person who having collected city taxes or revenues has not settled fully with the city for such collections,—no person in receipt of salary from the city,—and no acting inspector or poll clerk at a city election—shall be eligible as mayor, alderman, or ward assessor.
- Day of election.** 15. The city council shall have power to inquire into and determine on the eligibility of persons returned as elected to office as mayor, alderman, or ward assessor; and if they find a person returned who is in their judgment not capable by law of being so elected, they shall declare the office vacant, and direct a new election to take place.
- Evidence of payment of rates.** 16. On the first day of October next, and thereafter on the same day annually, the mayor, the senior alderman of each ward and the ward assessors, shall go out of office, and the citizens qualified to vote shall assemble and give their votes in the several wards in which they dwell, or in which they have paid rates on their last assessment, for a mayor, for an alderman in each ward, and for ward assessors.
17. The evidence of payment of rates by a voter shall be the receipt signed by the city treasurer, or by his agent appointed with

the consent or recognition of the city council, which receipts shall be produced at the time of voting, and lodged with the presiding officer.

18. The elections shall be conducted in each ward before one alderman presiding, and two or more inspectors. Such inspectors shall be qualified as voters and resident in the ward, and shall be each sworn before the mayor, to the faithful discharge of his duties. Conduct of elections.

19. Before any election the city council shall appoint the alderman to preside thereat; and three inspectors for each ward shall annually be appointed by the council twenty days before the general election, who shall be also inspectors of all special elections held in the ward for the ensuing year. Any two inspectors may act. Vacancies in the office of inspector by death, inability or refusal, to be filled up by the council. Presiding officers,

20. The alderman and inspectors shall receive, sort, count and declare all the votes given in the ward. To count votes.

21. The poll clerk shall be appointed by the alderman presiding. Poll clerk.

The poll clerk shall be sworn by the alderman presiding to the faithful performance of his duties.

22. Ten days before any election, notice shall be given by the mayor of the place or places where it is to be held, the day and hour of beginning, and the name of the alderman who is to preside at each ward. This notice shall be published in at least three of the city newspapers. Notice of election.

23. The poll clerk shall make a fair and true record of the election, and keep an exact journal of all the votes and transactions, entering each voter's name, and that of the street in which he lives, and any other fact the presiding officer requires him to note down. Poll clerk's duty.

24. Candidates shall be named by citizens duly qualified to vote. All votes given for any person who has not been so nominated by some duly qualified citizen of the ward, shall be considered as thrown away. The citizen nominating a candidate must lodge his tax receipt with the presiding officer. Candidates.

25. The votes shall be given by the citizens at the elections by ballot. Vote by ballot.

The ballot shall be a paper ticket which shall contain in writing or printing, or partly written or partly printed, the name of the person or persons for whom the elector intends to vote, designating on the back the office which the person named inside is intended to fill.

Each voter shall deliver his ballot folded up to one of the inspectors.

The inspector shall ascertain that the ballot is single, without reading it, and then shall deposit it without delay in the ballot box.

26. There shall be in the charge of the alderman presiding, one or more ballot boxes. Ballot boxes.

When the mayor, aldermen and assessors are to be elected, there shall be three ballot boxes in each ward, to receive separate ballots from each voter for the different officers.

No ballot shall contain more names than there are persons to be chosen to office. No ballot shall be rejected because found in a box to which it does not belong, if otherwise correct; but a ballot if double, or containing more names than legal, shall be rejected.

Extra ballots.

27. On opening the boxes, if it is found that the ballots in any of the boxes exceed the number of voters entered on the poll list, the ballots of that box shall be returned to the box, and well mingled; and then the presiding officer shall draw out publicly as many of them without looking at them as equals the excess, and destroy them at once.

Poll, holding of.

28. At such elections the poll shall be opened at nine o'clock in the forenoon, and shall continue open till four o'clock in the afternoon of the same day, unless sooner closed as hereafter provided; and the name of each elector voting at such election shall be written in poll lists to be kept at such election by the poll clerk, and immediately after the final close of the poll all the votes given in each ward being sorted, counted, and publicly declared by the presiding officer and inspectors, shall be recorded at large by the poll clerk, and in making such declaration and record the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for and the number of votes given for each person respectively, and the presiding officer shall proceed publicly to declare the persons having the majority of votes in their favor to be duly elected, except as to the office of mayor.

Equality of votes.

29. If there shall be at the final closing of the poll, an equal number of votes polled for two or more persons, the presiding officer shall give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the election; and the poll lists shall, by the officers holding the same, be delivered on or before the day next after the conclusion of such elections, to the clerk of the city, to remain in his office. They shall be open for inspection to any elector on the payment of the fee of one shilling.

Poll closed by proclamation.

30. The presiding officer may at any time give public notice that unless some voter shall come forward to poll within an hour the poll will be closed; and if no voter comes forward within the hour the poll shall then be finally closed.

Penalty on inspector.

31. An inspector refusing to act, or declining or omitting to be sworn, for five days after notice of his appointment, shall forfeit and pay for such offence five pounds fine to the city.

Penalty for fraudulent voting.

32. Any person knowingly and wilfully voting at any election in the city held under this law, when not entitled so to vote, and fully aware that he is acting illegally; any person fraudulently putting in more than one ballot when voting; and any person who shall vote in more than one ward at any such election, shall forfeit and pay to the city the sum of ten pounds for every such offence.

83. Every person desirous of voting at any election for mayor, aldermen or ward assessors, shall, before his vote be entered on the poll lists, if required by the officer or person holding any such election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election; which oath the officer or person holding such election is hereby directed to administer as follows:

Elector's oath.

Elector's oath.

I do swear, that I have resided in this city for one year or upwards now next preceding unless temporarily absent, [*or have carried on business in this city for three years previous to this election, as the case may be,*] and that I am of the age of twenty one years or upwards, and am a subject of our lady the queen, and that in the last assessment I was rated in this ward No. — for poor and city rates, and that I have paid the same in full, and that I have not before voted at this election, or any other election which is at this time being held for any other ward, and that I am the person named in the receipt of city treasurer now produced. So help me God.

Whenever a voter shall be so sworn, the poll clerk shall mark "sworn" opposite his name in the list of voters in his poll book.

34. If any person shall knowingly swear falsely as to any of the particulars of his alleged qualifications as a voter, he shall be guilty of perjury.

Perjury.

35. If any person at an election, for the purpose of giving a vote, shall knowingly and fraudulently offer a forged or altered receipt of the city treasurer or his deputy, or such a receipt belonging to another person as his own,—or shall vote falsely under the assumed name and character of any voter, he shall forfeit and pay to the city ten pounds, or shall be imprisoned for not more than six months in default of payment, and in every such case shall be incapable of voting or holding office in the city for the next seven years.

Penalty for false voting.

36. The alderman presiding at every election shall on or before the next day make a return to the clerk of the city of the names of the persons having the majority of votes and declared by him elected, and when an election of mayor takes place, a return also of the names of the candidates and of the number of votes given for each.

Return of persons elected.

The poll books and lists shall also be delivered to the city clerk with the returns.

Poll books, &c. to be returned.

The term of office for an alderman shall be three years, unless when he is elected to fill an extraordinary vacancy, in which case he shall serve for the unexpired portion of the term of his predecessor only.

Alderman's term of office.

37. In an election of mayor, the council shall, in public, cause the returns to be read,—the votes for each candidate summed up; and the person who has the greater number of votes in his favor,

Declaration of mayor.

more than any other candidate, shall be declared to be the mayor, on the same day or the day following the election.

Equality of votes.

In case of an equality of votes for mayor, the mayor or alderman presiding in council shall by his casting vote decide which of the candidates shall be mayor.

Publication of election.

38. The result of every election shall be published in the next gazette.

Presiding officers' powers.

39. The presiding officer at every election shall have full power to preserve peace, order and decency. All persons present are bound to obey him in so doing; and he may commit any one offending in this respect. The offender shall be sent to gaol for twenty-four hours, and shall be also guilty of a misdemeanor.

OATHS OF OFFICE.

Oaths of office.

The mayor, aldermen, and ward assessors shall, before entering upon the duties of their offices, respectively be sworn, by taking and subscribing the oath of allegiance, and oath of office. These oaths shall be administered to the mayor elect before the governor, or in his absence before the chief justice or one of the judges of the supreme court, in the presence of three aldermen. The aldermen and ward assessors shall be sworn to these oaths by the mayor, after he has himself been sworn into office.

A certificate of such oaths having been taken shall be entered by the city clerk in the city minutes.

The oath of office shall be as follows:—

I, A. B. do swear that I am duly qualified as required by law for the office of ———, that I am seized or possessed of, as the owner in my own right and for my own use and benefit of real or personal estate in the city of Halifax of the value of five hundred pounds, beyond the amount of my just debts, and that I have not obtained the same by fraud or collusion to qualify myself for office, and I swear that I will faithfully perform the duties of ———, while I hold the office, with diligence and impartiality, to the best of my ability. So help me God.

The blanks shall be filled up with the name of office before the oath is taken or subscribed.

After an election for a mayor is held, until the new mayor shall be declared to be elected, and shall have been sworn into office, the mayor previously in office, or if there be a vacancy, the alderman presiding in the city council, shall exercise the functions of mayor.

Retiring mayor to fill new mayor's place as alderman.

If the person elected mayor shall be an alderman at the time of his election, having an unexpired term to serve in that office, the retiring mayor shall occupy the place and office in the city council of the mayor then elect, for the rest of his term, unless the retiring mayor give notice to the contrary to the city council in writing, within two days after the new mayor is sworn in.

VACANCIES.

40. If any extraordinary vacancy occur in the office of mayor, Vacancies in office supplied.
 alderman or assessor; on a day fixed by the mayor, or if it be a
 vacancy of mayor, by the senior alderman, after at least four day's
 notice the voters shall elect a qualified person to fill the vacant
 office.

41. The election for a vacancy shall be conducted in all re- Elections there-
 for.
 spects in the same manner as ordinary elections under this law.

42. All officers of the city who shall go out of office shall be Officers, except
 mayor, may be
 re-elected.
 capable of immediate re-election, if then qualified as required by
 law. But no person shall be re-elected to the office of mayor until
 at least one year after the termination of his last occupancy of the
 office.

43. If at any election of alderman, any person shall be elected Case of double
 return.
 for more than one ward, he shall within three days after make his
 option, or on his default the mayor shall determine for which ward
 he shall serve, and another election shall be held in the vacant
 ward.

44. Any alderman may resign office on payment of twenty Resignation of
 aldermen.
 pounds to the city. His resignation shall be in writing and signed.

45. Any mayor or alderman who shall accept any office or si- Disqualifications
 by acceptance of
 office.
 tuation, that would have rendered him ineligible, shall become dis-
 qualified to act further as mayor or alderman.

46. Any mayor, alderman, or other officer who shall obtain an Resignations of
 office.
 office or position which would exempt him from serving in the city
 office he holds, may resign his city office by written declaration de-
 livered to the clerk of the city without being bound to pay any fine
 or penalty.

47. Any mayor or alderman, bankrupt, insolvent, or com- Bankruptcy, &c.
 of mayor or alder-
 man.
 pounding by general deed of assignment with his creditors, shall
 become disqualified.

48. Absence of the mayor from the city for more than one Absence of mayor
 or alderman.
 month, and of an alderman for more than three months, shall va-
 cate their offices, unless in case of serious illness, or special leave
 previously obtained from the council.

49. All special vacancies of office from death, loss of qualifica- Special vacancies.
 tion, exemption, bankruptcy, insolvency, compounding or absence,
 shall be declared by resolution of the council before proceeding to
 fill up the vacancy.

PENALTIES FOR REFUSING OFFICE.

50. Every person duly qualified who shall be appointed or Penalties for not
 accepting office.
 elected to the office of mayor, alderman, inspector of elections, au-
 ditor or ward assessor, shall accept the office, or forfeit and pay to
 the treasurer of the city to and for the use of the city, a fine as
 follows, that is to say: for the non-acceptance of the office of mayor,
 a fine of thirty pounds;—for the non-acceptance of the office of

alderman, twenty pounds;—and for the non-acceptance of the office of ward assessor, a fine of ten pounds;—and for the non-acceptance of the office of auditor, a fine of five pounds;—and for the non-acceptance of the office of inspector of elections, a fine of five pounds.

Election evidence
of qualification.

The election to any office shall be presumptive evidence of qualification on the part of the person elected, unless he make oath before the mayor that he is not possessed of the qualification for the office required by this act, in some particular to be stated in such oath; and every person so elected shall accept such office by taking the oath of allegiance and oath of office, within five days after the notice of his election, or shall be liable to pay the fine for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a new election.

EXEMPTIONS.

Exemptions from
penalties.

51. No person disabled by sickness, lunacy, or imbecility of mind, shall be liable to such fine. Every person so elected, who shall be above the age of sixty-five years,—or shall already have served such office, or paid the fine for not accepting such office, within five years preceding,—or who shall have served for two years as a member of the city council,—also, every person who shall be a member of the legislature of this province,—or who shall be a member of the executive council,—or who shall have been a member of the executive council, or of the legislative council,—if such exemption be claimed within five days after notice of his election, shall be exempted from office. Military, naval, or marine officers in her majesty's service on full pay, the surveyor general, the adjutant general of militia, the provincial secretary, clerks in public, civil or military departments, the postmaster general and his deputies, custom house officers, the sheriff and coroners, the clerks and commissioned officers of the legislature and the executive council, and schoolmasters, shall be excused from serving any office in the city, and not liable to fines for not serving therein.

OFFICERS.

Auditors.

52. On the third day of October in the present and every succeeding year, or as soon after as the returns of the members elect shall be complete, the members of the city council shall elect from persons qualified to be aldermen, by a majority of votes, two persons, auditors of the city, whose duties shall be prescribed by the bye-laws of the corporation. Every such auditor shall continue in office until the first day of October in the year following his election. No member of the city council, nor any paid officer of the said city, shall be auditor. In case of vacancy occurring, the council may appoint an auditor for the residue of the year.

58. On the fifteenth day of October, in every year, the city council shall elect, by open voting, the following officers: Other city officers.

- A recorder.
- A city clerk and an assistant.
- A city treasurer.
- A city marshal.
- A clerk of licenses.
- Two constables for each ward.
- Two clerks of the market.
- Two or more weighers of flour and meal.
- One or more commissioners of streets.
- One or more supervisors of streets.
- One collector for each ward.
- One or more pound keepers.

54. The city council shall prescribe the duties of all officers of the city by bye-laws, wherever the law has not expressly appointed and prescribed their functions. Duties of officers.

55. All officers of the city shall give such security by bonds with good sureties or otherwise, as the council shall direct and approve, and it shall be the duty of the council to demand such securities from every officer who collects or receives monies for the city, or has the special custody of property or funds of the city. Security for officers.

56. All bonds and securities taken in the name of the city or for its security, shall, before being laid before the council for approval, be submitted to the recorder, in order that he may certify that he is satisfied with the form in which they are drawn, and also of the regularity of the execution. Approval of bonds.

57. At the election of any officer whatever by the city council, there must be twelve members present, besides the mayor or chairman; and a majority of the actual number present, the mayor or chairman being included in that number, must concur in such election. Election of city officers.

58. If the council shall not complete the election of officers on the day appointed, they may do so at any adjourned or special meeting afterwards. Adjournment therefor.

59. The council at the election of officers annually on the fifteenth day of October, may appoint such additional officers of any kind as they may deem necessary or expedient, to carry out the powers vested in the city corporation by law, and may remove any such officers at pleasure, and appoint others in their place. Appointment of additional officers.

60. The annual salary of the mayor shall be two hundred and fifty pounds; of the recorder, two hundred pounds. The yearly salaries, compensations and allowances of all other officers of the city shall be such as the council of the city may from time to time settle and appoint. Salaries of mayor, recorder, &c.

61. Whenever the city council think it necessary that any of the officers of the city shall be restricted from being engaged in business of any kind, which they conceive incompatible with the efficient and satisfactory performance of his duties of office, they Officers may be restricted from other business.

shall have power, whether by bye-law or resolution, to impose conditions to prevent the engagement or connection of their officers with any business or occupation they think objectionable, and to annex fines, suspension, or forfeiture of office, to any disobedience therein.

Penalties for improper assumption of offices.

62. Any person not duly qualified and appointed, who shall assume the duty or presume to exercise the functions of any city office, shall pay a fine not exceeding ten pounds with costs, or not paying shall be committed to gaol for a term not over thirty days.

Any officer who having been dismissed lawfully shall continue to act as if in office, shall be liable to the same fine or imprisonment.

TREASURER.

Treasurer:

Payment of monies by.

63. The treasurer of the city shall not pay any monies of the city without a written order for every payment, signed by the mayor, or in his absence by the alderman presiding in the place of mayor, and countersigned by the clerk of the city; nor shall he pay such money unless the same be warranted by the express terms of this chapter, or of some bye-law or resolution of the city council.

To collect rates, &c.

64. The city treasurer shall receive and collect all rates and taxes payable by the inhabitants of the city under this act, and shall also receive all other monies of the city that are paid over to him, and be responsible for the same; and shall also have all the powers and perform all the duties belonging to the treasurer of the county of Halifax, under any laws which now are or shall hereafter be in force.

Commissions—

He shall be allowed five per cent. commission on rates and taxes collected by himself from individuals, two and a half per cent. on all monies received by him from any of the officers of the city.

Not to exceed £300.

If the commissions in any one year exceed three hundred pounds, the excess is to belong to the city.

To give receipts for payments.

65. The treasurer shall, on request, give a written receipt to any person paying him money.

To be sworn into office.

66. The city treasurer before acting as such, shall be sworn before the mayor to the faithful performance of the duties of his office, and shall execute a bond to the city with two sureties in the sum of two thousand pounds, conditioned for the faithful performance of his official duties, in such form as the mayor may direct or any bye-law require. The bond and sureties must be approved of by the council.

To give new bonds if required.

Whenever it appears requisite to the council they may require a new bond, or additional or other sureties from the treasurer; on his non-compliance for ten days they may vacate his office and elect another treasurer.

To be responsible until successor appointed.

In every case the treasurer and his sureties remain responsible to the city for his acts and omissions; and his official character.

continues, until the same person or another is elected treasurer, sworn into office, and his bond and sureties fully approved by the council; unless by express order of the council to the contrary suspending or annulling his functions.

67. The treasurer of the city shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as treasurer, and of the several matters for which such sums shall have been received and paid; these books shall at all seasonable times be open to the inspection of any of the aldermen.

Books to be kept by him.

ACCOUNTS.

68. All the accounts of the treasurer, with all vouchers and papers, shall in May and November in every year, be submitted by the treasurer to the city auditors, and to such members of the council as the mayor shall name on or before the first day of November in every year, or in case of any extraordinary vacancy of office, within ten days next after such vacancy, for the purpose of being examined and audited from the first day of November in the year preceding to the first day of May, and from the first day of May to the first day of November, in the year in which the auditors shall have been elected; and if the accounts shall be found to be correct, the auditors shall so certify. After the accounts shall have been so examined and audited in the month of November in every year, the treasurer shall make out in writing and cause to be printed a full abstract of his accounts for the year, and a copy shall be open to the inspection of all the rate payers, and copies thereof or extracts shall be delivered to all rate payers applying, on payment of a reasonable price for each copy or extract, to be fixed by the mayor.

Accounts to be audited, &c.

69. The clerk, treasurer, and all other officers of the city, shall respectively at such times during their continuance in office, and also within three months after they shall respectively cease to be in office, whenever the council shall direct, deliver to them a true account in writing of all matters committed to their charge under this act or under any law relative to the government of the city, and also of all monies which shall have been by them respectively received as city officers, and how much thereof shall have been paid and disbursed, and for what purposes, with proper vouchers.

Accounts of officers, when to be delivered.

70. Every officer of the city, and every person who has held a city office, shall at all times when ordered so to do by the city council or by the mayor acting in conformity with any law, bye-law or resolution of the city council, immediately pay over all such monies as may be in his hands belonging to or be due by him to the city, into the hands of the city treasurer or of such person as the order may appoint to receive the same.

Payments by officers.

71. Every city officer or other person having possession or control over any books, accounts, documents or papers belonging to the city, or which the city council has a just right to inspect, shall

Books, &c., to be delivered when required.

at once deliver the same to the city clerk when required by the city council or by the mayor.

Penalties for refusal to account, &c.

72. If any person shall refuse or wilfully neglect to account with the city council for his official receipts and payments;—to pay over money which he owes to or withholds from the city, and for which he has become responsible as a city officer;—or to deliver to the city clerk any books, accounts, documents, or papers in which the council have a right of property or inspection on the city's behalf: then and in every such case on complaint made on behalf of the council of any such refusal or wilful neglect, to any justice of the peace for the city, district or county wherein such officer or person shall reside or be, such justice of the peace shall issue a warrant under his hand and seal, for bringing the offender before any two of her majesty's justices of the peace. Upon the offender not appearing or not being found, the two justices shall hear and determine the matter in a summary manner. If it shall appear to such justices that any monies remain due from such officer, on non-payment thereof by warrant under their hands and seal, they shall cause such monies to be levied by distress and sale of the goods and chattels of such officer; and if sufficient goods and chattels shall not be found to satisfy the said monies and the charges of the distress,—or if it shall appear to such justices that such officer has wilfully neglected or refused to deliver such account or the vouchers relating thereto, or that any books, documents, papers or writings, in the custody or power of such officer in his official capacity, have not been delivered as aforesaid, or are wilfully withheld,—then and in every such case, such justices are hereby required to commit the offender to the common gaol, there to remain without bail until he shall have paid such monies, or shall have made satisfaction to the council,—or until he shall have delivered a true account, together with such vouchers, or until he shall have delivered up such books, documents, papers and writings, or have given satisfaction in respect thereof to the council: provided always, that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three months,—or for any other cause above mentioned, for a longer period than twelve months. No prosecution of this nature shall be lawful unless commenced within three months after the offence has been committed. The ordinary remedies by action against any person holding office or who has held office under the city, or against his sureties, are not to be impaired or diminished by this law or by any proceedings taken under it.

Accounts of commissioners of poor.

73. The commissioners of the poor asylum annually on or before the fifteenth day of December, shall file in the office of the city clerk an account of all monies received and expended by them, in such form and with such details as shall be required by the city council. This account shall be subject to the same auditing as the accounts of the city receipts and expenditure.

Officers to account.

74. All boards, committees, officers and persons who shall col-

lect, receive, expend or disburse any public money belonging to the city or under its care or control, shall account to the city council.

The city council may direct the form and mode of accounting by resolution or bye-law.

75. The books of account of the corporation shall shew the amount, particulars, state and circumstances of the property, funds, taxes, effects and fees belonging to the city, the incomes and fees of its officers, and all its receipts and expenditures. Books of account.

The books of account of the city for the current and preceding year, shall be kept open and exhibited on the first Monday of every month in the city clerk's office for the inspection of any citizen.

The city accounts shall be annually published after audit and approval, in such form and mode as the city council direct. Publication of.

THE RECORDER.

76. The recorder shall be a barrister of the supreme court of Nova Scotia, of at least five years' standing. It shall be his duty to afford legal advice and assistance to the mayor and council of the city in the performance of their respective offices, and when requisite in the business of the police court, to attend all meetings of the city council, and to assist in hearing and determining cases before the mayor's court, and to take the charge and management of all legal business connected with the affairs of the city; to draft or revise all legal documents required by the city, and to act as counsel and attorney for the city in any suits in the provincial courts to which the corporation is a party. Before entering upon office he shall be approved of by the governor, and sworn before the governor or chief justice to the faithful discharge of his duties. Recorder.

COUNCIL.

77. In all meetings of the council a majority of the members present at such meetings shall determine all questions and matters submitted or under consideration—provided that the number present at the said meetings be not less than twelve besides the mayor or chairman. The mayor, if present, shall preside; and in case of his absence such alderman as the members assembled shall choose to be chairman; and in case of an equality of votes the mayor or chairman presiding shall have a casting vote. Council:
Proceedings at
meetings.

78. There shall be in every year four quarterly meetings of the council, held on such days as provided by bye-law. Number of meet-
ings.

79. It shall be lawful for the mayor to call a special meeting of the council when and as often as he may deem proper, giving two days' notice. In case the mayor should refuse, after a requisition for that purpose signed by five or more members, the requisitionists may call the meeting, giving three days' notice. The notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the members. In all cases of Special meetings.

special meetings, a summons to attend the council, specifying the business to be transacted, and signed by the city clerk, shall be left at the usual abode of every member of the said council.

Minutes of proceedings.

80. The minutes of the proceedings of all meetings of the council shall be drawn up and fairly entered in a book to be kept for that purpose, shall be signed by the mayor or alderman presiding at such meeting, and shall be open to the inspection of all persons qualified to vote at the election of mayor or alderman, on payment of a fee of one shilling. The meetings shall be held in public.

Committees of council.

81. It shall be lawful for the council to appoint from its members such and so many committees as they see fit, for the transaction of business, and for the discharge of such duties within the scope of their powers as may by the council be prescribed, but subject in all things to the approval, authority and control of the council.

Bye-laws.

82. The city council at any meeting, when at least twelve members besides the mayor or chairman shall be present, may from time to time make, alter, amend and repeal any bye-laws or ordinances for the good rule, peace, government and welfare of the city, and for carrying into effect more fully all powers, functions and offices vested in the mayor, council and corporation, by law.

Fines.

83. Fines not exceeding ten pounds for one offence, and punishment by imprisonment in gaol or bridewell for a term not exceeding ninety days, may be annexed to any breach of any bye-law of the city passed in accordance with this chapter, or of any bye-law authorized by any present or future law of this province.

Approval of bye-laws.

84. No bye-law of the city, whether passed under the authority given in this chapter, or that of any other law of the province, shall take effect until approved and confirmed by the governor in council.

A copy of every bye-law shall be transmitted with all convenient speed to the governor, and it shall be lawful for the governor in council within thirty days after the receipt of it to disallow it, and such disallowance shall, without delay, be signified to the mayor.

No bye-law shall have any force or effect until it be so transmitted and approved; or until thirty days pass without disapproval, which shall amount to an approval and confirmation.

Limitation of borrowing money.

85. It shall not be lawful for the city council to borrow on the credit of the city any sum of money whatever, unless otherwise particularly authorized by some act of the province.

ABSENCE OF MAYOR.

Absence of mayor.

86. In case of the absence of mayor, or of a vacancy in that office, one of the aldermen, in such rotation as the council may direct, shall discharge all the duties of the office of mayor in the police court, mayor's court, or otherwise, except that of presiding in city council.

POLICE COURT.

87. The administration of police within the city, and all the executive powers of the corporation, are hereby vested in the mayor and aldermen; and the mayor, or in his absence one of the aldermen next in rotation, shall daily attend in the public office for that purpose appointed, and constantly between the hours of ten o'clock in the forenoon and three o'clock in the afternoon hold a police court for the city, and therein hear and determine every criminal offence and prosecution cognizable before one or more justices of the peace, and shall perform every act appertaining to the office of justice of the peace, necessary for the apprehension, commitment, conviction and punishment of criminal offenders, and for carrying into effect the laws in force and the ordinances and by-laws of the city; and also in a summary manner hear and determine all larcenies where the value of the goods taken shall not exceed ten pounds,—receiving of stolen goods,—assaults,—batteries,—riots,—petty trespasses,—and breaches of the peace committed within the city,—and riots or disturbances at city elections; and punish the offenders upon conviction, by imprisonment in the gaol or bridewell, not exceeding ninety days, or by fine not exceeding in any case the sum of ten pounds and costs of prosecution,—and in case of non-payment of the fine and costs, commit the offender to the gaol or bridewell for any time not exceeding ninety days; offences shall be prosecuted in every case within two months after commission; no such conviction shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, so as it be therein alleged that the party has been convicted of some offence named therein.

Police court
Jurisdiction of,
&c.

Nothing herein contained shall prevent the police court from binding persons charged with offences under recognizance with sureties, to appear and answer in the supreme court or the court of sessions.

In no case where the said police court shall sentence any party to punishment by fine, or by imprisonment, or by fine and imprisonment, shall any appeal be allowed from such sentence, except by writ of *certiorari* or *habeas corpus cum causa*.

88. The following fees shall be paid to the clerk of the police court for the use of the city in all business done in the police court.

Fees at.

For affidavit, one shilling.

Warrant, two shillings and six pence.

On service of process, one shilling and three pence.

On a recognizance, three shillings.

On judgment, one shilling.

Warrant of commitment, one shilling.

Subpoena, six pence.

89. All persons violating the sabbath by carrying on any game, play, or pastime, to the annoyance of their neighbors or the public, —common beggars,—fortune tellers —gamblers,—habitual drunk-

Offenders,

ards,—persons breaking windows, or damaging the property of others wilfully and mischievously,—lewd persons,—vagrabonds,—runaways,—stubborn and refractory apprentices,—shall be liable to confinement in the gaol for one week for the first offence, and for any subsequent offence for a period not beyond thirty days.

The city constables shall arrest such persons, and bring them before the mayor or aldermen in the police court. If the arrest occurs after three o'clock in the afternoon, or upon the Sunday, or holiday, when the police court is not sitting, the prisoners may be kept in the lock-up house until the hour of eleven in the forenoon of the subsequent day.

May be imprisoned.

90. The mayor or alderman, on being satisfied by inspection, confession or proof, that the persons so arrested ought, whether for their own benefit or that of others, not to be at large, may sentence them respectively to such imprisonment in the bridewell, with or without hard labor.

Assistance to constables.

91. All persons shall be bound on request to assist the constables in this or any other duty of arrest, and any one refusing shall be fined not less than five shillings nor more than twenty shillings by the mayor or presiding alderman.

Seamen.

Seamen.

92. The mayor and any one of the aldermen holding the police court shall have power, on the sworn complaint of the master, to arrest any seaman of a British, provincial or foreign vessel, who, having signed regular articles and not being duly discharged therefrom, shall wilfully absent himself from his vessel,—and, after hearing both parties, if he find the complaint well founded and just, to compel the seaman to return to duty; if requisite also to send him to gaol until the vessel is ready for sea, and give the aid of the police constables in carrying him on board his vessel.

MAYOR'S COURT.

Mayor's court.

93. The mayor's court is to be holden on the second and fourth Tuesdays of every month, before the mayor and one alderman in rotation, or in the absence of the mayor before two aldermen in rotation,—shall continue in session not longer in each term than two days, and shall have power and jurisdiction within the city over all civil actions on contracts in which the whole cause of action or dealing shall have arisen within the city of Halifax, and shall not exceed ten pounds,—and when the defendant shall prove an off-set of greater amount than the amount proved by the plaintiff,—to give judgment for the defendant for the balance due him;—and also over all actions *ex delicto*, including actions of trover—assault and battery—replevin—case—detinue—trespass to personal property, and over trespass on lands where the title is not in question,—and slander,—wherein respectively the damages claimed shall not exceed five pounds,—and shall award costs in all cases in favor of the party succeeding.

The process of the court shall be writs of summons, replevin, *capias*, execution and subpoena, tested in the name of the mayor, and issued by the clerk under a seal, which the said court is hereby authorized to make and use, and in such forms as have been used or shall be established by the city council, and shall be directed to the city marshal or his deputy.

94. Whenever the judgment of the court shall exceed twenty shillings exclusive of costs, the party aggrieved may appeal to the supreme court upon notice given in open court, and execution shall be stayed upon sufficient security by recognizance being given on the day following the rising of the court, to prosecute the appeal and produce the appellant in person to abide the judgment of the supreme court, which recognizance the said mayor or any alderman shall have power to take. Appeal :

The party appellant shall enter his appeal and proceed thereon before the said supreme court at the first term thereafter ; and shall bring up the judgment from the court below, which on his default the appellee also may do ; and the said supreme court shall try the cause *de novo*, or order the same to be tried by a jury. Proceedings on.

95. In case of process or proceedings occurring by mistake or inadvertency, in any case where the mayor's court has not jurisdiction, the members and officers shall not be liable to pay damages. Officers not liable, though court has not jurisdiction.

96. No suit for any debt or dealings, the whole amount of which shall not exceed ten pounds, and which shall have arisen within the city, shall be brought in any other court except by way of appeal to the supreme court. No suit over £10.

97. The fees shall be taxed and allowed in the mayor's court, as follows, viz : Fees.

Fees due to the city, to be received by city clerk, and paid over to treasurer of city.

On summons, two shillings.

On *capias* and affidavit, three shillings and six pence.

On trial and judgment, five shillings.

Recognizance, or replevin bond, two shillings.

Subpoena, six pence.

Execution, one shilling.

FEEs TO THE CITY MARSHAL.

Serving summons or *capias*, including travel, one shilling and nine pence.

On a discharge from arrest with or without bond, two shillings.

On all monies collected and paid over under execution, five per cent.

98. The mayor's court shall try every cause that is contested, upon the examination of witnesses *viva voce*, and decide summarily without unnecessary delay. To try causes summarily.

99. Confession in writing or verbally given in open court may be recorded by the clerk, and judgment given thereon. Confessions.

Capias.

100. In case of debts or demands below twenty shillings, the issuing of a capias shall be in the discretion of the mayor or presiding alderman, and all the costs shall be subject to reduction if the court see fit, and no capias shall be issued unless the party applying make affidavit that the defendant is leaving the city, and unless a capias is granted the debt will be lost.

No fees to gaoler.

101. No fees shall be demanded or received by the gaoler or his subordinates for any prisoner upon process or execution from the mayor's court, or from any prisoner committed by the mayor or any alderman in any criminal case or breach of law.

Jurisdiction of mayor's court.

102. The authority of the city officers and jurisdiction of the police and mayor's courts, shall extend unto and over all acts, matters and things, civil or criminal, done upon the harbor of Halifax, and South-east Passage, and the North-west Arm, and over that portion of Bedford Basin situate from three mile house to the narrows, extending five hundred feet into the water from low water mark, and the wharves, slips, docks and landings thereon—provided such acts, matters and things, if done within the limits of the city, would be within the authority and jurisdiction of any of the officers or courts of the city; and the process civil and criminal, which any court, or any officer of the city may have power to issue or execute, shall and may be executed upon the harbor of Halifax, the South-east Passage, and the North-west Arm, and the portion of Bedford basin above limited; and for these purposes the harbor of Halifax shall be considered as extending from Mauger's beach to Ferguson's cove, and across the narrows at the entrance of Bedford basin, but not to include McNab's island, or Dugan's island.

Prisoners entitled to benefit of insolvent acts.

103. When any person has been heretofore, or hereafter shall be committed to gaol, under any writ of execution, or mesne process, issued from the mayor's court, the court, or the mayor and any alderman, or any two aldermen, shall and may extend to such person the benefit of any law that may be in force for relieving insolvent debtors from imprisonment.

CITY MARSHAL.

City marshal: his power.

104. The city marshal shall be the high constable of the city, and shall have the superintendence of all the city constables, and shall within the said city have all the powers and authority in all matters criminal and in cases of breach of the peace, and for preserving quiet and good order, which sheriffs by law have within their bailiwicks, and constables within their jurisdictions, and shall perform and discharge such other duties, and receive such fees and emoluments as shall and may be appointed by any bye-law or ordinance of the city.

Duty.

105. It shall be the duty of the city marshal or his deputy, to attend the city council and the mayor's court whenever they shall meet, and at all times to be at the command of the mayor or officer

presiding at the police court, and on all occasions to aid in the preservation of the peace of the city and the observance of all laws in force therein; and he shall serve all writs, process, warrants or orders issuing out of the mayor's court or the police court.

106. The city marshal shall, before he enter upon the duties of his office, be sworn before the mayor, and also shall give bonds in such sum of money, and in such form as shall be directed by the council, with two sufficient sureties, to be approved by the city council, for the faithful discharge of the duties of the office, to be renewed when required, as heretofore provided in respect to the city treasurer.

To be sworn in.

REAL ESTATE OF THE CITY.

107. All and singular the lands and real estate, and all buildings thereon, which at any time heretofore have been granted, or conveyed, to or by any body politic or corporate, or to any person whomsoever, in trust for the use and benefit of the town of Halifax, or of the inhabitants of the town or peninsula, or for any public use and purpose within the same, or used or appropriated for any such public purposes; and all lots and parcels of land originally laid out or allotted, or now held for any such public purpose, or wherein the town of Halifax, or the inhabitants, or any body, politic or corporate, or other person on behalf of the town, or for any public use, have or hath, any title, interest, right, or benefit, at law or in equity, including the county court house, public markets, rockhead farm, bridewell, the water lot near freshwater bridge, the water lots at the south end of the basin, public landing places or slips, the new cemetery on the common, the common on the peninsula, are hereby absolutely vested in and transferred to the said corporation or city of Halifax, and shall be by the said corporation or city of Halifax held, used and occupied, so long as this act shall remain in operation, in fee simple, for the public and common benefit and use of the city of Halifax, according to the true intent and meaning of the original grant, purchase, conveyance, or assignment of the same respectively, subject nevertheless to and saving any interest, property, possession or right, which may have been acquired by any person, under and by virtue of the statutes of limitations, and reserving to all persons whomsoever, all charges, incumbrances, claims and demands, whether at law or in equity, now subsisting upon or against the said real estate, or any part thereof, and the same shall be and remain a charge upon and against the said corporation and city of Halifax, its estates, property and effects, excepting herefrom the public penitentiary, the gaol, the churches, or other places of worship, the glebes, school houses, and grounds thereto appertaining, and the burial grounds heretofore in use, which are not intended to be affected by this chapter.

Real estate vested in city.

108. The city council may at any time assess the sum of two hundred pounds to pay for the purchase of Rockhead farm of forty acres in ward number six, in the general assessment.

Rockhead farm.

Leases.

109. The council shall have full power to manage and lease the real estate of the city, provided that no lease of any part thereof for any time beyond five years shall be valid, unless previously submitted to the governor in council and sanctioned by their approval.

All leases of any part of the city property shall be under the city seal, signed by the mayor and countersigned by the city clerk.

CITY DEBTS.

Debts of city.

110. All debts heretofore due and owing by the town of Halifax shall be transferred to and become the debts of the said city, for the payment of which the real estate and all other funds of the said city shall be held liable.

City property
liable to.

111. The real estate, property and funds of the city, shall continue liable and bound for the payment of all certificates and debentures heretofore issued by the city authorities, and now chargeable upon the city.

City funds.

112. All monies arising from compositions for labor on the highways, or from persons licensed to sell spirituous liquors, shall be and become part of the general funds of the city.

Chargeable with
debts.

113. All public monies raised by assessments, and all monies due and payable as aforesaid, as well as all other monies to be hereafter raised by and under the authority of this act, shall be chargeable with all debts heretofore legally contracted by the authorities of the town of Halifax or the said city of Halifax, or under the authority of the justices of the peace for the county of Halifax, or any of them, or by or under any other lawful authority empowered by act of the province to contract debts binding on the town or city, and all such debts shall be payable out of the revenues and assessments of the city.

PENSION.

Pension.

114. John Liddell, esquire, shall be entitled to and receive during his life, out of the funds from time to time in the hands of the city treasurer belonging to the city, the sum of two hundred and fifty pounds per annum, in lieu of his salary and emoluments as police magistrate.

Repeal of former
acts not to pre-
judice.

115. Public officers of the county, town, or city of Halifax, and other persons who at the time of the first incorporation of the city or subsequently, held any just claims upon the town or city, shall not be prejudiced therein by the repeal or expiration of the several acts respecting the incorporation of the city heretofore in force, nor shall any creditor of the city be prejudiced in his rights by any such repeal or expiration of the acts of incorporation.

LICENSED HOUSES.

Licensed houses.

116. The mayor, and any three of the aldermen, shall have full power to grant licenses to innholders, victuallers, retailers and

confectioners within the said city; and also licenses for the sale of liquors of any kind. In granting such licenses the mayor and aldermen may annex thereto such reasonable conditions in regard to time and place, and other circumstances under which such license shall be acted upon, as in their judgment the peace, quiet, and good order of the city may require.

117. The city council shall from time to time make such bye-laws as they may think proper, for the government of licensed houses and shops, and for regulating the hours for closing the same, in all respects as they shall deem necessary for the peace, quiet and good order of the city.

Bye-laws as to licensed houses.

118. Bonds shall be given by all persons so licensed, in reasonable sums, and with sufficient sureties, to be approved of by the mayor, conditioned for a faithful performance of the terms of their said licenses, and of all subsisting laws and regulations.

License bonds.

119. The mayor and any three aldermen shall have power to revoke or suspend any such license, if in their judgment the order and welfare of the city require it.

Suspension of license.

120. Any person who shall presume to pursue the said employments within the said city, without having first obtained a license therefor, or in any manner contrary to the terms of said license, or after the same shall have been revoked or suspended, shall be liable to the same penalties and forfeitures, and be prosecuted in the same manner as by law is or shall be provided, in case of exercising the said employments without license, and shall also be taken and deemed to have forfeited their bonds, upon which suits may be instituted against them or their sureties, at the discretion of the mayor and aldermen. All inn-holders, retailers, confectioners, victuallers, and all other licensed persons under and in pursuance of this act, shall be liable for and pay the same license duty now or hereafter to be imposed by law, to the clerk of the license of the said city.

Penalties for selling without license, &c.

121. The licenses granted and the bonds to be taken, shall be in the same form as is prescribed and appointed under the general laws of the province respecting licenses to sell liquor, with such alterations as may be found necessary to suit the circumstances of the said corporation, and shall be signed by the clerk of the license of the city, and approved of and countersigned by the mayor.

Forms of bond and license.

122. The city clerk of the license shall keep a correct list of the licenses granted in every year, with the names, additions and residences of the parties licensed, and also all their sureties, and the amounts of the license duty payable on every such license, and shall return to the mayor once in every quarter a written statement of the sums of money due and in arrears for license duty. All arrears of license duty shall be recovered in the mayor's court, in the name of the city of Halifax, with costs, by the usual process as in civil suits.

List of licensees.

123. Once every month or oftener if the council so direct, the clerk of license shall pay over to the city treasurer the amount of

Payments by clerk of license to treasurer.

license duty, and shall produce and file in the city clerk's office a particular account of the monies received by him in every quarter for license duty, and also, the receipt of the city treasurer for the same; all penalties incurred and recovered for breach of any part of the license laws, or of the bye-laws or ordinances of the city, made in reference thereto, shall be recovered before the mayor's court, in the name of the city as plaintiff, and shall be paid and applied one half to the person who shall inform, and the remainder to the city clerk of license, to be by him accounted for, and paid over to the city treasurer.

Commissions of
clerk of licenses.

124. The city clerk of license shall be entitled to commission of five per cent.—provided that he shall not in any one year receive, together with his fees for such commissions, a larger amount than one hundred and fifty pounds, both for his fees on licenses and his said commissions, and the balance, if any, arising from such commissions and fees, shall be paid in to the city treasurer.

Appeals from li-
cense judgments.

125. In case where judgment shall be given against any person selling liquors without license, it shall be lawful for him to appeal from such judgment to the supreme court at its next term; the person appealing shall file a recognizance with two sufficient sureties, on the day following the rising of the mayor's court, to respond the judgment of the said supreme court, in case the said judgment should be confirmed.

SHOWS AND EXHIBITIONS.

Public exhibi-
tions, regulation
of.

126. The city council may make bye-laws to regulate theatrical exhibitions, and all public shows, and all exhibitions of whatever name or nature, to which admission is obtained on payment of money, on such terms and conditions as may seem just and reasonable, and to regulate the same, from time to time, in such manner as may appear necessary to preserve order and decorum, and to prevent the interruption of peace and quiet, and subject to such bye-laws, the mayor shall in his discretion grant written licenses for the same; the person obtaining such license shall pay therefor such fee or sum of money as shall be prescribed by any bye-law of the said city; and it shall be at all times optional with the said mayor either to grant or refuse such license.

STREETS.

Commissioners of
streets.

127. The city council shall have power from time to time to divide the city into districts, and annually to appoint one commissioner of streets to each district. The commissioner so appointed shall have all the powers and authority by any present or future law conferred on commissioners of streets in any of the towns of this province.

Laying out of new
streets.

128. The city council shall have power to lay out any new square, street, road, lane or highway within the city, and for that

purpose to direct a survey to be made, and to appoint three competent persons, not being interested in said road, or square, but who may be citizens and shall be compensated for their labor out of the city funds, to appraise the damages to be paid by the city to those whose lands may be taken up to form the road or square.

129. The appraisers shall notify the parties interested, and hear them, if required, and the appraisal being made by the three appraisers or any two of them, notice shall be given to each person whose land is taken, or to his agent, ten days at least before the meeting of council at which it is to be confirmed. The council shall give any party objecting to the appraisal an opportunity of being heard and of proving his objection by testimony. If the expenses and damages appear to the council excessive when compared with the utility of the work, they may suspend or abandon the undertaking at any period, compensating for any damage actually done.

Proceedings on appraisal.

130. Hereafter no proprietor or possessor of land in the city shall lay out or open any new road or street over or on his property, of less than sixty feet wide; and the commissioners of streets are authorized in their discretion wholly or partially to close up and obstruct any road, street, lane or thoroughfare whatever of less than sixty feet in width which may be hereafter laid out or opened.

Width of streets.

131. All actions and proceedings to recover any fine or sum of money due within the city for non-performance of statute labor or road work, shall be sued for in the name of the city as plaintiff.

Suits for not performing statute labor

DRAINS AND SEWERS.

132. The city council shall have power to repair and improve drains and sewers, to lay out, excavate and complete new drains and sewers, and to make bye-laws and regulations for protecting and keeping free all drains, sewers and water courses within the city.

Sewers, &c.

HACKNEY CARRIAGES.

133. No person shall keep or drive in the city of Halifax any carriage, waggon, gig, chaise, sleigh or conveyance, for the carriage of passengers for hire, or to ply as a hackney carriage, cab or omnibus in the streets or lanes of the city, unless under a license for such purpose, previously obtained, from the mayor and two aldermen, and such fee shall be paid for license, not exceeding ten shillings per annum, as the council direct.

Licenses for hacks.

134. The city council shall have authority by bye-laws, to regulate the keeping, driving, plying, and general conduct of all carriages, waggons, gigs, chaises, sleighs or conveyances for carrying of passengers for hire in the city; and the fares and prices to be charged and taken by the keepers, owners or drivers.

Regulation of hacks.

TRUCKMEN.

Truckmen to be licensed.

185. No person shall keep, use or drive any cart, truck, car, sled or carriage of any kind for transportation of any goods, merchandize, furniture, fuel or other articles whatever within the city, for hire, pay or wages, unless licensed as a truckman by the mayor.

Regulation of.

186. The city council shall make bye-laws to regulate the form and granting truckmen's licenses on giving security, the numbering and putting names on the trucks, and the stands where they may be stationed, and to prevent the leaving any trucks, carts, sleds or other vehicles upon the streets or squares.

Licenses—form of and fees thereon.

187. The licenses shall be signed by the mayor and countersigned by the city clerk, and be annually renewed. The sum of seven shillings and six pence shall be paid on every such license.

Suspension of.

188. On proof of misconduct the mayor and one alderman shall have power, if they see fit, to suspend a truckman's license for a fixed term, or to revoke and annul it.

Rates of truckage.

189. The city council shall make bye-laws to fix the rates and fares receivable by truckmen for carriage of goods, merchandize, fuel, furniture and other articles.

FURIOUS RIDING AND DRIVING.

Disorderly driving.

140. The city council shall have power by bye-laws to restrain all persons from driving or riding in a disorderly, careless, improper, or too rapid a manner.

FIREWARDS.

Firewards, &c., how appointed.

141. The city council may elect and appoint from time to time, annually or otherwise, as many firewards, and also as many fire constables for each ward of the city, as they may deem necessary.

Additional bye-laws as to fire.

142. The city council may also, in addition to the laws which may be at any time in force for prevention of fires, make any further rules and regulations on the subject by way of bye-laws, that the welfare of the city appears to them to require.

Power of engine-man.

143. The engineman in charge or command of any engine at the time of a fire in the city, shall have the same authority to command aid in drawing it to the fire as if he were a fireward.

Power of alderman or fireward at fires.

144. Any person disobeying any order given by any alderman or fireward with a view to putting out a fire, or in drawing any engine, or hose, or other articles requisite thereto, may by order of the same, or any other alderman or fireward, be immediately arrested and detained by any constable, fire constable or other person present, and kept prisoner for any space of time not exceeding two hours, in order that obedience to the fire authorities may be enforced, and also that the name, abode and identity of the offender may be ascertained, to enable the officer disobeyed to proceed against him for the penalty, then or afterwards, if necessary.

145. The city council may impose a fine not exceeding five pounds, on any fireward, or person appointed to the board of health, or any other officer nominated or elected by the city council, upon whom no specific fine is by law imposed, who shall neglect or refuse the duties of such office, or shall refuse to qualify himself for the same, agreeably to this act : provided always that no such officer shall be obliged to serve more than one year in succession, or shall be liable to any fines for not serving, for a period of five years after he has so served or paid such fine.

Fines on fire-wards or other officers.

ENGINE HOUSES.

146. The city council shall have power to purchase sites for engine houses, and for buildings to receive hose, ladders and other things requisite for the use of the fire department, and to erect suitable buildings thereon, or to take or lease suitable premises for such purposes.

Engine houses

POWDER MAGAZINE.

147. The magazine for gunpowder situate in ward number six, built by the town of Halifax under the authority of the provincial act of the eighth year of the reign of his late majesty king George the fourth, and the lot of ground on which it is erected, are the property of the city of Halifax in fee simple.

Powder magazine city property.

The city council shall appoint keepers of the magazine and regulate their duty and compensation.

Keepers.

The rate of storage to be paid to the city for gunpowder shall not exceed one farthing per pound.

Rate of storage.

CHIMNIES.

148. The city council shall have all the power by bye-laws to regulate the sweeping of chimnies and to license sweeps, which at any time have been or shall be conferred by law upon firewards, and to impose fines on neglect therein if any chimney take fire ; and all suits for breach of the law in this respect shall be prosecuted in the name of the city.

Sweeping of chimnies.

LIGHT, WATER AND WATCH.

149. The city council shall make bye-laws, orders and regulations for lighting the city, also for supplying water therein, and they may make any necessary contracts on behalf of the city for these purposes.

Light and water.

150. The city council shall make bye-laws, orders and regulations for the protection of the property and inhabitants of the city, by establishing a sufficient watch at night, and for governing of the watch.

Night watch.

Every person appointed to watch shall possess the powers and authority of a constable, and all opposition and resistance offered to any city watchman shall be prosecuted and punished as offences committed against constables in the execution of their office.

Expenses of light,
water and watch
ing.

151. The expenses of watch and ward, lighting the city, and supplying the city with water, shall be paid out of the general funds of the city, and may be included in the general assessment annually levied.

Assessments for
public hydrants,
&c.

152. A sum of not less than four hundred pounds shall be annually included in the general assessment, for the purpose of supplying the city with public fountains and hydrants and fire plugs abundantly supplied with water.

Hydrants, &c. to
be furnished by
water company.

The Halifax water company shall, in consideration of the annual sum of four hundred pounds to be paid by the city, provide in the city eighteen fountains or hydrants, and twenty-five fire plugs, in such places as have been or may be appointed by the city council, and shall afford the supply of water to the same constantly and abundantly, and for such further sum as may be agreed on shall increase the number of the fire plugs at the request of the city council in accordance with the contract now subsisting or hereafter to be entered into between the city council and the Halifax water company.

FUEL.

Fuel measurers.

153. The city council may annually appoint measurers of coal and cordwood sold within the city, and fix the rate of remuneration.

MARKETS.

Markets

154. The city council may by bye-laws regulate the sale of fresh provisions of all kinds, and the slaughtering of cattle, sheep and swine, and destroy all unsound and unwholesome provisions, fish or meat, and may enforce these objects by appointing clerks of the market and other officers.

DISTILLERIES, &c.

Distilleries.

155. Distilleries of spirits, lime kilns, tanneries, slaughter houses, and all other establishments, manufactories or trades, dangerous or productive of serious inconvenience or discomfort to the persons living near them, shall not be established, continued, or carried on in any part of the city, unless by express permission of the city council, who shall have power to make bye-laws from time to time to regulate the limits and location of any such establishment, and to affix such penalties to any violation thereof as they see fit; but all adjudications and decisions of the city council shall be subject to appeal and revision by the governor in council.

DOGS.

156. The city council shall have power by their bye-laws to regulate the keeping of dogs within the city; and if they deem it expedient, to impose a tax not to exceed five shillings per annum for each dog, and to direct the destruction of any dog illegally kept.

Dog.

MAGISTRACY.

157. The mayor and aldermen, while in office, shall be justices of the peace in and for the city of Halifax, and each of them after taking the oath of justice of the peace, which the clerk of the city shall administer, shall have as full power and authority as if commissioned.

Mayor and aldermen to be magistrates.

158. The city council alone shall have all the jurisdiction, authority and power which before the passage of an act entitled "an act to incorporate the town of Halifax," in the fourth year of her present majesty's reign, Anno Domini 1841, could legally be exercised within the town and peninsula of Halifax by the court of sessions of the peace and grand jury for the county of Halifax, or by any special sessions; and the city council shall also exclusively hold and exercise within the city of Halifax all powers, jurisdiction and authority whatsoever that by any act of the province that may now or hereafter be in force are or shall be conferred upon the sessions of the peace, general or special, with or without the grand juries, in other counties of the province generally. Whatever power, jurisdiction or authority is or may be conferred by any present or future law of the province upon one justice of the peace or upon two or more justices, shall within the city be held and exercised by the mayor or any one or more of the aldermen, if one justice be named, and by any two of them where two are required.

City council to have powers of sessions.

159. The city council shall appoint annually within the city all township and other officers who were formerly nominated by the grand jury and appointed by the sessions, so long as the law respectively under which such officers acted remain in force, or are substantially re-enacted. The officers appointed shall exercise their functions within the city only.

To appoint township officers.

The city council may by bye-laws regulate the fees and compensations they are to receive, and may, if they see cause, omit or suspend the appointment of any of those officers.

Regulation of fees thereof.

160. Officers whose power and authority are transferred to the city of Halifax, or to any of the several officers to be appointed thereunder, shall not, so long as this act shall continue and be in force, exercise any of the powers and authorities heretofore by law granted to, or inherent in them, which are by this act transferred and granted to the city council, or the officers of the city.

Officers whose powers are transferred to city not to act.

Justices of the peace for the county of Halifax may not within the city hold or exercise any powers hereby transferred to the city authorities, but may still exercise therein any special authority not so transferred.

Court of sessions
to act as before in
certain cases.

161. Nothing herein contained shall repeal or vacate the jurisdiction or sittings of the court of quarter sessions for the county of Halifax, or their special sessions, or of the grand jury in matters of a criminal nature, or lessen their authority in other matters regarding other parts of the county of Halifax and not affecting the city of Halifax and its inhabitants.

BOARD OF HEALTH.

Board of health.

162. The city council shall annually, as soon after the third day of October in each year as may be, appoint two fit and proper persons from and out of the inhabitants of each ward, who shall be qualified, by being respectively sworn to the faithful performance of their duties before the mayor or one of the aldermen of the said city, within four days after notice of appointment; and shall, with the mayor and aldermen of the said city for the time being, constitute the board of health for the city and harbor of Halifax, and its out harbors and precincts, and possess all the powers, authorities and duties vested in or imposed upon the board of health by any law of the province which may at any time be in force.

Any order or proceeding of such board shall be deemed legal, notwithstanding the absence, neglect, or refusal to act of any member thereof, so that six of the aldermen of the city shall have been present.

Clerk thereto.

The city council is to appoint a clerk to the said board, and make compensation to him out of the funds of the city for his services.

Public hospital.

163. In case of any contagious or infectious disease existing or spreading among the citizens, the council may expend to the amount of five hundred pounds in providing an hospital and accommodation for the sick of the city, and assess the city for the sum expended—such hospital to be under the care of the local board of health.

FORMER BYE-LAWS.

Former bye-laws
in force.

164. All bye-laws of the city which have been passed by the city council and approved by the governor and council, shall remain valid and be in force until replaced by others on the same subjects, so far as they are not inconsistent with this chapter, or any other express law in force within this province.

ALTERING LIMITS OF WARDS.

Ward limits, alteration of.

165. The city council may from time to time alter the limits of any of the wards of the city by an ordinance or bye-law sanctioned by the governor in council: an interval of five years shall always elapse between any such changes.

City council and
supervisors of
streets exempt
from juries.

166. The members of the city council and two supervisors of streets, to be appointed by the commissioners of streets, shall be exempt from serving on any jury within the city.

CITIZENS COMPETENT TO BE WITNESSES OR JURORS IN CITY CAUSES.

167. In actions, suits, indictments, informations or prosecutions whatever, civil or criminal, at law, equity, or otherwise, in which the said city or corporation shall be a party concerned, it shall not be received or allowable as an objection to the competency of any witness that he is a citizen or officer of the said city or corporation, but such objection shall go to the credit only; nor shall any such objection be allowed in any such case as aforesaid against any such person as jurors therein.

Citizens competent witnesses.

SUITS FOR PENALTIES.

168. All fines and penalties imposed by this act or any other chapter of this title, of upwards of ten pounds, and for the recovery whereof no provision is made by this act, shall and may be sued for and recovered by action of debt in the supreme court, in the name of the city of Halifax.

Recovery of penalties—
Over £10.

169. All fines and penalties amounting respectively to ten pounds, or below that sum, by this act or by any bye-law or ordinance of the city council made under the authority of this statute or any other act of the province, for the recovery whereof no provision is made by this chapter, shall be sued for and recovered in the name of the city of Halifax, before the mayor's court, in the same manner as any debts can be recovered in the said court; and all such fines and penalties when recovered shall belong to the city.

£10 or under.

170. In every such suit, whether in the supreme court or in the mayor's court, the defendant shall be entitled to the benefit of the acts of this province, from time to time in force, for relief of insolvent debtors: provided also, however, that when, in and by this chapter any period of imprisonment is prescribed or may be ordered upon non-payment of any such fine or penalty, the defendant shall not be entitled to his discharge from imprisonment until such period so prescribed shall have elapsed.

Defendant entitled to relief as insolvent debtor except where imprisonment also prescribed.

171. All fines and penalties by this chapter, or any bye-law or ordinance imposed, which shall be received or recovered as aforesaid, and for the application whereof provision is not otherwise made, shall be paid over to the city treasurer, and form part of the general funds of the city.

Penalties to be paid to city treasurer.

RESERVATION OF CROWN RIGHTS.

172. Nothing in this act contained shall in any manner derogate from or affect the rights of her majesty, except so far as the same may be clearly and distinctly expressed.

Rights of crown reserved.

1864, c. 81, s. 546
1891, c. 58, ss. 701, 705.

CHAPTER II.

OF ASSESSMENTS IN THE CITY OF HALIFAX.

- Assessments:** 1. The city council shall have power to assess on the inhabitants and on the property within the city, annually, such sum of money, not exceeding five thousand pounds, as may be necessary to defray the expenses which they are by law authorized to incur on behalf of the city. This may be increased in any year by permission of the governor in council, to the extent of two thousand pounds additional, provided such increase be requested by a vote in which at least twelve members of the city council concur.
- Amount of.**
- Objects of.** 2. The objects which may be provided for by assessment include the salaries and compensations legally granted to the officers and other persons employed in the business of the city, expenses of police, of lighting the streets, of a night watch, of a supply of water, expenses of fire department, maintenance of the bridewell, repairs of city property,—the making, repair and improvement of the streets, and of sewers and drains, and roads,—and all other expenses required in the due execution of the different powers and trusts, vested by law in the city corporation, its council or officers.
- For poor's asylum.** 3. On request of the commissioners of the poor asylum for Halifax, specifying the sum they deem necessary to be paid by the city for the support of the poor of the city in the poor's asylum for the year ensuing, the city council shall be authorized to include in the foregoing general assessment the sum so specified, or a less sum if they think proper to reduce the amount proposed.
- Ward assessors, how chosen, &c.** 4. The assessors annually elected by the several wards of the city, shall within fifteen days after notice, in every year, assemble at the mayor's office, in the presence of the mayor or acting alderman, and select by ballot or otherwise one assessor for each ward of those elected by such ward, who shall thenceforward continue to be acting ward assessor, and whose duty it shall then be to assist the city assessors hereinafter mentioned to make a fair and impartial assessment of his ward; and in case any ward assessor so selected shall neglect or refuse to perform any of the duties of his office, he shall forfeit to the city for every such offence a penalty of ten pounds.
- New appointments.** 5. If the city council shall deem any ward assessor so selected to be or to have become from illness or otherwise incapacitated for the performance of his duties, they shall be at liberty to appoint in his place the remaining assessor chosen by the same ward;—who shall be liable to the same penalty for the neglect or refusal to perform any of the duties of the office.

6. The city council shall biennially elect by open vote, two suitable persons, not being members of the city council, to be city assessors, to continue in office two years; and no person shall be considered ineligible to such office on account of his having already served therein. The city council shall have power at any time to remove from office any city assessor at their discretion.

City assessors.

7. Whenever a vacancy shall occur in the office of any city assessor who has not served out his full time, such vacancy may be supplied by a new election, to be held at such convenient period as the city council may determine; and the person elected to fill such extraordinary vacancy shall occupy the office and discharge the several duties thereof for the term then unexpired of the person whose place he shall supply.

Vacancies in.

8. Every city assessor on acceptance of his office shall be sworn before the mayor or some alderman, to perform the duties of his office, and to make a fair and impartial assessment upon the city.

To be sworn.

9. There shall be payable out of the city funds to each city assessor, so long as he shall remain in office, such annual salary as the city council may previous to his election appoint.

Salary.

10. The city assessors associating themselves with the ward assessors for every respective ward in rotation, shall upon the order of the city council proceed forthwith to make an assessment upon the respective wards for all sums of money legally authorized and directed to be assessed upon the city for city purposes and rates, for poor rates, and for the proportion of county rates chargeable on the city and its inhabitants.

City and ward assessors to act together.

11. The assessment shall be rated on the occupants of real estate, being yearly tenants, and in all other cases on the owners of property, by an equal pound rate upon the value of the real and personal estate within the city,—whether such real or personal estate shall be possessed, occupied or owned by individuals or by any joint stock company or corporation, according to the best knowledge and discretion of the city and ward assessors, subject to the exemptions hereinafter specified.

Assessment, how apportioned.

12. Under the term "personal estate" shall be included all household furniture, monies, goods, chattels, wares and merchandise, all ships and vessels, or shares in ships and vessels, owned by persons residing within the city, whether such ships or vessels be at home or abroad at the time of the assessment, city certificates or provincial securities; also all public stocks and stocks in public or private banking companies, water, gas, fire, marine or life insurance companies or associations, or other joint stock companies or corporations, whether public or private, doing business within the city.

Personal estate, definition of.

13. Partners in business shall be assessed under the name of their firm, in the same way as individuals; notice to either partner or to the agent of the firm shall be valid.

Partners.

14. The assessors shall value real estate at tenfold the amount of rent it produces or is worth.

Real estate, how valued.

15. All property real or personal belonging to her majesty, to

Exemptions from assessment.

the province, the county or city—all personal property of military persons residing in government buildings or barracks, or of officers or men of the navy residing in government buildings—every building erected for the use of a college, incorporated academy, or other seminary of learning—every building for public worship—every temperance hall, school house, court house and gaol, and the several lots whereon such buildings are situated, and the furniture belonging to each of them—every poor house, alms house, house of industry, and the real and personal estate belonging to or connected with the same—the real and personal estate of every public library, and all stocks owned by the city or province, or by literary or charitable institutions, shall be wholly exempted from assessment. This section is not to exempt yearly and other tenants holding under lease from the city.

Personal property under £50 exempt.

Stock.

Property in particular cases.

Joint stock companies.

Blanks.

16. No person shall be assessed for his personal estate unless its value exceed fifty pounds.

17. The owner or holder of stock in any incorporated or joint stock company liable to taxation on its capital, shall not be assessed as an individual for such stock.

18. The estates of deceased persons under control of their executors, administrators or trustees—the separate property of married women and the property of minors, and other property under the control of agents and trustees, shall be rated in the name of the principal party or parties ostensibly exercising control over them, but under such description as will keep the rating separate and distinct from any assessment on such parties in respect of property held in their own right.

19. Every joint stock company doing business in the city shall be rated as if holding one hundred pounds of property for every six pounds annual net income or profit derived from its business done within the city. The president, secretary, manager, cashier, treasurer or agent shall annually on or before the first day of March make an affidavit in writing before the mayor or an alderman, containing a precise statement of the actual net income of the company or corporation, derived from their business done within the city during the year ending on the the thirty-first day of December preceding. The party making this affidavit shall file it immediately with the city clerk, and the assessors shall fix the rate accordingly. On default of this statement being duly filed, the assessors may rate the company's income according to the best information they can otherwise obtain, and the company or corporation shall, in addition to the rate, pay to the city a penalty of ten pounds for the neglect or omission of their officers or agents in not furnishing the statement of their profits by affidavit.

20. The city assessors before proceeding to the assessment of the respective wards, shall be provided by the city with a sufficient number of blanks to form valuation books, ruled and leaded throughout in the following form :

Names.	Value of real estate.	Value of personal property.	Total amount on which assessment is to be levied.

The assessors shall enter the name of each person, company or corporation to be assessed separately in order, in the first or left hand column, the value of real estate stated in currency in the next column, of personal property in the third column, and the sum total of both in the last column, opposite each name.

Filling up of

21. As soon as the assessors have determined the amount of real and personal property on which any person, company or corporation is to be assessed—having written down the names and sums in ink or pencil in their blank valuation book, they may then or subsequently serve a notice of such valuation upon the person assessed or his agents, or on the company or corporation, their officer, clerk or agent. This notice shall be in the following form, in print or ink :

Notice of valuation.

Name.	Value of real estate.	Value of personal property.	Total amount on which assessment is to be levied.

We hereby give you notice that we have, according to the best of our judgment, made the above valuation of your real and personal estate in ward number —, on which the assessment for the current year is to be levied. If you wish to object thereto, you are hereby notified to furnish us or either of us at our office, situate in — street, number —, within twenty-one days from this date, with a written statement under oath, according to the form herewith served upon you.

_____, } City assessors.

To Mr. _____

Dated at Halifax, — day of —, 18—.

Parties may furnish statements under oath.

22. After service of the notice, twenty-one days shall be allowed to the parties to be rated, or their agents, to furnish the assessors with a written statement under oath, of their real and personal estate within the ward in which the rating is to be made, in the following form :

Form.

Statement of real and personal property of — within ward No. — in the city of Halifax, liable to assessment.

Real estate, value £

Personal estate, viz :

Household furniture,

Monies,

Goods, chattels, wares and merchandize,

Ships or vessels, or shares thereof at home or abroad,

City stock certificates,

Provincial stock,

Total amount, £ _____

City of Halifax, ss.

— of the city of Halifax, —, maketh oath and saith that the above statement is in all respects just and true, and that the sum of — pounds is the full value, to the best of deponent's judgment and belief, of the real and personal estate for which the said — is liable to be taxed within ward number — in the said city.

Sworn to this — day of —, {
A. D. 18 —, before me. }

When such statement cannot be made within twenty-one days, from the absence or sickness of the party rated, a further time may be allowed therefor by the city council.

Companies' forms

23. The form of the statement and affidavit in the cases of all public and private banks, water and gas companies, insurance companies and agencies, marine, life or fire, and all other joint stock companies and bodies corporate, shall be as follows :

Statement of the real and personal property of —, doing business within the city of Halifax, liable to assessment in ward No. —.

Real estate, value £

Personal estate, viz :

Furniture of office,

Goods and chattels,

City stock certificates,

Provincial stock,

Net profits or income derived from the business done within the city during the year ending 31st December last,

£ _____

Halifax city, ss.

_____ of the city of Halifax, _____, maketh oath and saith that the above statement is in all respects just and true, and that to the best of this deponent's information and belief the sum of _____ pounds is the full value of the real and personal estate of the said company liable to taxation in ward number _____ in this city, exclusive of the net profits of income derived from the business done within the city during the year ending 31st December last, and that such net profits or income are truly set forth above.

Sworn to this _____ day of _____, }
A. D. 18 —, before me. }

24. These statements may be sworn to before the mayor or before any one of the aldermen, and must be delivered to the city assessors or be left for them at any time on a week day between the hours of ten o'clock, a. m., and four o'clock, p. m., at the office or place mentioned in their notices.

Statements to be sworn to and delivered.

25. Whenever a person, company or corporation to be assessed shall deliver a sworn statement agreeable to this law, the assessors shall accept and adopt the valuation sworn to.

Accepted.

26. The assessors shall complete their valuation annually within sixty days from the date of the order of the city council to commence their valuation, and then make immediate return of their books of valuation to the office of the city clerk, one for each ward, clearly and correctly made up in writing, and signed by them and by the ward assessor acting for the ward, or by any two of them.

Return of valuation book.

27. The valuation books having been first seen and approved of by the city council, shall be taken back by the city assessors, who shall then proceed without delay to make up one general book of assessment for the city, in which there shall be distinctly shewn the amount of the rate upon each individual or company, distinguishing the portions assessed for city, county and poor rates respectively in separate columns, in such form as the city council may direct, and the assessment book being so made up by the assessors in duplicate, and signed by the city assessors, shall be returned to the office of the city clerk, and to the clerk of the peace, within fourteen days after the council have approved of the valuation books.

On approval to be returned to assessors, who shall make up assessment.

28. As soon as the assessment book shall be accepted and approved of by the city council, one copy thereof shall be deposited with the city treasurer, who shall cause each person or company rated, or their agents, to be served with a notice in the following form :

Notice of assessment.

Halifax, _____ 18—.

You are hereby notified that you are rated and assessed for the current year, 18—, to pay the sum of _____ pounds, _____ shillings and _____ pence, for the city, county and poor rates, in ward number —. Unless the amount be paid within thirty days, ten per cent. will be added thereto, besides all charges and costs of collection.

_____, city treasurer.

To _____,

Warrant of distress.

29. If any person or company rated and assessed shall not pay the amount within thirty days after service of notice, the city treasurer may issue a warrant of distress to collect it, in the following form :

City of Halifax.

To the city constables, or any of them.

Whereas ——— is indebted to the city in the sum of ——— for rates for the year 18—, and has omitted to pay the same after full notice so to do, you shall forthwith distrain the goods and chattels of the said ——— for the said sum, and ten per cent. additional ; and if within seven days after distress made, the amount of the rate, with ten per cent., and your reasonable charges in this distress, not exceeding three shillings per day, be not paid you, you shall sell the goods and chattels so distrained upon to satisfy the same. Halifax, ———, 18—.

———, city treasurer.

Scale for rates.

30. If the money assessed be not collected and paid over to the treasurer under the warrant of distress, he may sue for the amount inclusive of the ten per cent., or for so much as is not collected, as in case of debt. The action to be in the name of the city. The treasurer's certificate in writing shall be presumptive evidence of the rate being due and unpaid, and shall be sufficient to entitle the city to a judgment without further proof, unless a good and just defence can be made thereto.

Under absconding debtors' act.

31. Any person absent from the province, and any company whose effects are not to be found or are insufficient to levy upon by way of distress, may be proceeded against according to the provisions of the absent debtor laws for rates due to the city.

CHAPTER III.

OF THE POOR ASYLUM.

Poor house.

1. The poor of the city of Halifax, who by law are chargeable upon its inhabitants, shall be accommodated, supported and relieved in the city poor asylum.

No out door relief.

2. No pension, out-door allowance, or other relief granted to persons not residing in the asylum, shall be granted or paid out of any funds raised by assessment in the city.

Commissioners.

3. The honorable Edward Kenny, the honorable Mather Byles Almon, the honorable Hugh Bell, George Norton Russell, James Walton Nutting, William Lawson, Charles Twining, Henry Pryor, Thomas S. Tobin, William M. Allan, Thomas R. Grassie, and Andrew M. Uniscke, heretofore the commissioners of the poor for

the town and peninsula of Halifax, and their successors in office, shall be and continue a body corporate under the title of "the commissioners of the poor asylum."

4. All the lands and premises in the city, with the buildings thereon, now held or occupied by the said commissioners, shall be vested in the commissioners of the poor asylum in fee simple. The title to the land adjoining the poor house, formerly called the new burial ground, is not to be affected hereby, nor the title of any part of the common now under lease. Property vested in them.

5. The commissioners shall each hold office while resident in the city, but may be removed by the governor in council at their discretion. Tenure of office.

6. Every vacancy in the commission shall be without delay supplied by such citizen as the remaining commissioners or the major part shall recommend, and the governor in council shall approve. Vacancies.

7. The commissioners by vote of a majority shall have power to make, change, amend or annul regulations and bye-laws for the rule and government of their own corporation—the appointment of all necessary officers, keepers and servants, their duties, terms of office and compensation, or salary; also for the government and management of the poor asylum, and all its inmates—the admission and discharge of paupers, their food, drink, clothing, washing and lodging—the medical attendance and treatment of the sick paupers—the custody and treatment of the insane and imbecile—the admission of visitors—the due observance of the Sabbath within the asylum—the keeping proper records, journals and accounts, and for securing, as far as circumstances permit, the health, comfort and improvement of the inmates of the asylum. Powers.

8. All bye-laws and regulations now in force in the asylum or hereafter adopted, shall be without delay submitted to the approval of the governor in council, and when confirmed by them, but not sooner, shall have legal effect; and a copy of every such bye-law and regulation shall be transmitted to the mayor of the city for the information of the public, and be printed in the royal gazette at the charge of the city. Bye-laws, approval of, &c.

9. The commissioners shall have power to receive all gifts, bequests and trusts for the benefit of the poor of the city, or for relief of other poor persons within the city, or any other charitable and benevolent purpose, and to apply the same as the donors may desire or direct. Commissioners may receive bequests, &c.

10. Any other poor, sick or distressed persons not chargeable on the city, may be taken into the asylum and relieved by the commissioners out of any funds they may receive by grant from the provincial treasury or otherwise. Such persons shall be in all respects subject to the rules of the asylum, and no charge for their support shall be made to the city or its inhabitants. Transient poor.

11. The commissioners shall have power to appoint and at pleasure to remove all officers and servants of the asylum, to make Officers, &c. of asylum.

all necessary purchases and contracts for the repair of the buildings, the furniture, bedding, food, clothing, implements, materials for industry, and every other thing required in the asylum for the maintenance and employment of the paupers.

Superintendence thereof.

12. The direct superintendence of the asylum shall devolve on one of the commissioners monthly by rotation, in such order and with such special powers as their bye-laws may define.

Expulsion therefrom.

13. Any disobedient or refractory inmate may be expelled from the asylum by written order of any two of the commissioners.

Register.

14. A register shall be kept, in which shall be duly entered at the time the admission and discharge of each inmate of the asylum, and such other particulars and transactions as the commissioners may direct.

Books of account.

15. Regular books of account shall be kept, shewing all receipts and expenditure of money by the commissioners, or under their authority.

Separate accounts with paupers.

16. An account shall be kept with each pauper, showing his expense and crediting his earnings, and if he earns more at any time than he has cost the asylum he shall have the balance for his own use.

Separate account of transient and other poor.

17. A distinct and separate account shall be kept and annually made up, shewing the expenses incurred in the relief all paupers legally chargeable upon the city of Halifax, in which the persons so chargeable shall be specified, including their fair proportion of all general expenses,—all orphan children and infants whose parentage is unknown, to be considered as a city charge. This account shall be annually rendered by the commissioners to the city council on or before the fifteenth day of December, and when approved by the city council the amount of it shall be included in the general assessment on the city; but no other sum shall be charged on account of the poor in the city assessment.

Abstract of accounts to be published.

18. The commissioners shall annually publish in the royal gazette, an abstract of their accounts, shewing the number of city poor, of transient paupers, the amount of expenses and monies received, with such other particulars as they deem useful.

Lists of inmates.

19. The commissioners of the poor asylum shall twice a year, in January and in June, send to the city clerk a correct list of all the inmates therein, shewing when each one was received and discharged, also conveying such information as they may possess of the birth-place or settlement, and of the age and state of health of each inmate; and these lists shall be carefully preserved in the city clerk's office, and be accessible to any citizen by permission of the mayor or any alderman.

Audit.

20. The commissioners' accounts shall be annually audited in such manner as the governor in executive council may from time to time direct.

Disqualification of contractors.

21. No commissioner, officer, servant or inmate of the asylum, shall be a contractor for supply of any articles required, nor have any commissions or emolument on any purchases or sales connected with the asylum.

22. Ardent spirits shall not be admitted or kept in the asylum except under medical charge for the use of the weak and sick, when ordered by a physician.

Liquors forbidden

23. The commissioner, or any three or more of them, shall have power to bind out any boys or girls who are maintained in the asylum, as apprentices,—the boys until twenty-one years of age, and the girls until eighteen or marriage. These apprentices are not to be taken out of the province, and are to be fed, clothed, lodged, and instructed by the party to whom they are bound. The commissioners, or any three of them, may execute the indentures and affix their corporate seal. They shall preserve a duplicate executed by the master or mistress of the apprentice, and duly attested.

Binding out of poor children.

24. All powers and authority conferred by any law of the province, now in force or hereafter to be passed, upon the overseers of the poor, or upon any other officers entrusted with the care and relief of the poor, shall be held and exercised by the said commissioners.

Further powers of commissioners.

CHAPTER IV.

OF THE BRIDEWELL.

Bridewell

1. Prisoners sentenced to imprisonment in the bridewell, and persons condemned to be confined there as vagrants or otherwise, shall be kept at work, unless when sick or infirm.

Prisoners to be worked.

2. The earnings of prisoners shall belong to the city, in order to assist in defraying the expenses of the bridewell.

Earnings of.

3. The keeper shall be appointed and removable by the city council at their pleasure.

Keeper.

4. The city council shall have power by their bye-laws to make regulations, and from time to time to change, alter or annul them, respecting the government and administration of the bridewell,—the keeper, officers and servants employed there,—the lodging, raiment, food, drink, health and safety of the prisoners therein,—their periods and hours of labor and repose—their classification as to sex, age or otherwise—their religious or moral instruction—the visitors who may be admitted—the regular and periodical inspection of the establishment, its records, accounts and expenses—by any bye-laws or ordinances.

Regulation of.

Re-enacted 27th Vic (1864) C. 81. 63 552-563
 54th Vic (1891) C. 58. 35 684-697

CHAPTER V.

COMMON.

OF THE COMMON.

Half-acre lots
held under lease.

1. The several lessees and their assigns, and those who derive title under them, to whom leases were granted under an act of this province passed in the fifty-eighth year of his late majesty king George the third, chapter thirteen, of certain half acre lots lying on each side of the road leading westwardly from Pyke's bridge, out of the original common of Halifax, for the term of nine hundred and ninety-nine years, shall hold the same agreeably to the terms of their leases, as modified by the act passed in the tenth year of the reign of his late majesty king George the fourth, chapter thirty-second.

Cemetery and
crown allotments.

2. The portions of the common which have been under former laws appropriated as a public cemetery, as well as a portion containing twelve acres, granted and relinquished to the crown by an act of the province passed in the first year of his late majesty king William the fourth, chapter fourth, shall all remain and be for ever so appropriated. All other leases and appropriations which have been heretofore lawfully made of any portion of the common, are hereby confirmed.

Fences, &c. not to
be put up near
citadel hill.

3. No person shall put up any building, fence, or other erection, within eighteen hundred feet of the salient angles of the fortress of citadel hill, without the permission of the commander-in-chief of her majesty's forces in this province;—and in time of war, or of a hostile attack upon Halifax being threatened, the commander-in-chief may demolish all buildings, fences and trees within that distance which may be upon any part of the original common, and no compensation shall be due to the party damaged.

Exercising
ground.

4. The exercising ground at the north end of the common shall remain always open and free for the use of her majesty's troops.

Common, how
vested.

5. Subject to the foregoing appropriations and leasehold interests, the common shall be vested for ever in the city of Halifax in fee simple.

Regulation of
common.

6. The city council shall by their bye-laws make rules and regulations for the care, management and improvement of the common, and may impose fines, not to exceed forty shillings, on every person who shall trespass thereon in any way. Persons convicted of digging up the soil, of encumbering it with manure, offal, dirt, ashes, earth, stone or rubbish,—of destroying, removing, or damaging buildings, fences, trees or shrubs thereon,—of injuring the

ponds, or taking from them ice or water, or using the same in any way contrary to the regulations in force, shall in addition to the penalty be liable to pay all expenses incurred in behalf of the city in removing encumbrances and in making good damage, and the value of any thing taken away or damaged,—which expenses or damages may be recovered before the mayor's court at the suit of the city if not exceeding ten pounds, and if above ten pounds in the supreme court.

7. Cows, oxen and sheep may be, if the council see fit, permitted by the rules and regulations to be kept on the common, on such conditions as they may prescribe. All other animals if found there contrary to the regulations, and all horses, asses, mules, swine and goats found there, shall be impounded, and only released on such terms as the regulations shall prescribe.

Cattle thereon.

8. All rents accruing from the leased parts of the original common, shall be collected under the direction of the city council, and form part of the revenue of the city.

Rents.

9. The city council shall have power to appropriate any sum annually received from the rents of the common, in the improvement and adornment of the parts of it not appropriated or leased.

Improvement of.

10. The Nova-Scotia horticultural society shall be free from payment of rent under the leases of eleven half-acre lots, part of the original common, held by them for the unexpired residue of the term of nine hundred and ninety-nine years, so long as such lots shall be occupied and used by the society as a public garden, the other conditions of the leases remaining valid; but if any part cease to be so occupied and used, it shall be again subject to rent.

Horticultural society lease.

The other portions of the garden leased to the society for thirty-three years, shall be held under the terms of the lease or leases granted by the city.

11. The title of the crown or of the ordnance department on behalf of the crown, to a certain piece of land on Windmill or Camp hill, is not to be affected by this chapter.

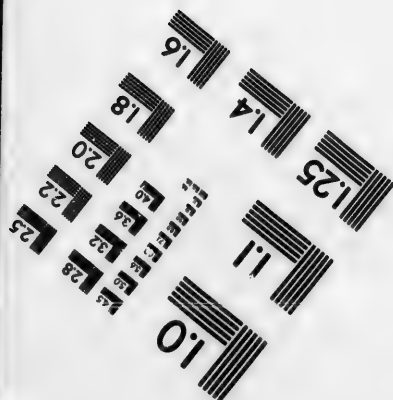
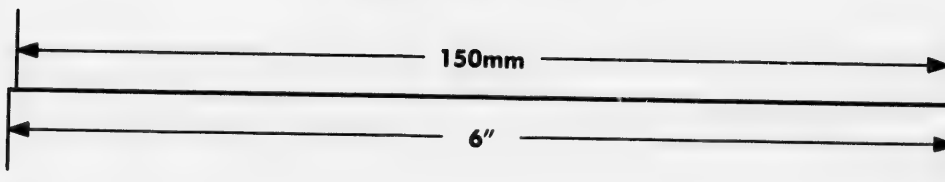
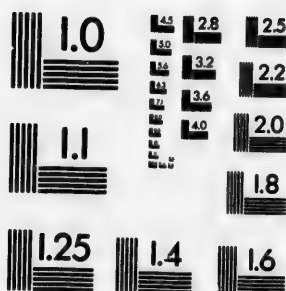
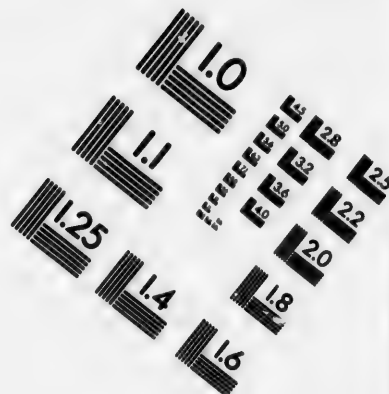
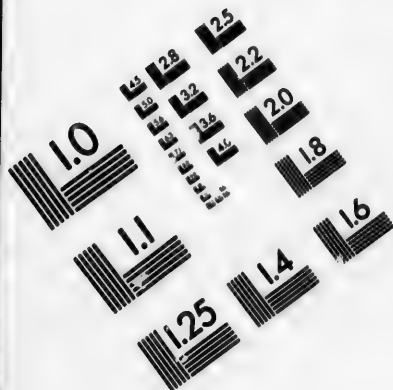
Camp-hill property.

12. The city council may grant leases of any portions of the common, not to exceed in the whole one hundred acres, for any term of years not longer than fifteen years, on such rents and conditions as they think proper, and on condition that no building be erected thereon.

Leases of common.



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CHAPTER VI.

Cemetery.

OF THE CEMETERY.

Titles to lands for confirmed.

1. Several enactments having been made by the legislature of this province at different times, with a view to obtain and secure to the city of Halifax a public cemetery for general use, and that object having been at length accomplished,—the respective titles of the city to land contained in the public cemetery, that of the Roman catholics to the land held as a Roman catholic cemetery, and that of the officers of ordnance for military purposes, or of her majesty to any land conveyed and now held under these enactments, are hereby confirmed.

The enactments referred to are, the act of 1829, the tenth year of the reign of his late majesty king George the fourth, chapter thirty-two, section eight—in 1833, the third year of the reign of his late majesty king William the fourth, chapter thirty-two, section first—in 1837, the seventh year of the reign of his late majesty king William the fourth, chapter seventy-six—in 1838, the first year of the reign of her majesty queen Victoria, chapter seventeen—in 1839, the second year of the reign of her majesty queen Victoria, chapter twenty-five—in 1840, the third year of the reign of her majesty queen Victoria, chapter forty-seven—in 1843, the sixth year of the reign of her majesty queen Victoria, chapter thirty. ~~x~~

2. The city council shall have power by their bye-laws to provide for the care and custody of the public cemetery, and to make all rules and regulations necessary for managing and improving it.

3. The religious principles and sentiments of all persons shall be respected in the framing of such bye-laws.

4. The portions already set apart to congregations shall continue under their charge, subject to the general control of the city council to regulate and to control and to preserve the order and appearance of the whole.

5. No clergyman shall officiate in the portions so set apart, except the minister of the congregation to which they belong, or some one by his permission.

6. There shall be a keeper of the public cemetery annually elected by the city council, who shall fix his compensation. He shall be sworn to the faithful discharge of his duties. He shall keep a book of register and enter therein every burial that takes place in the cemetery, with the name, sex, age, and cause of death as correctly as may be. Of this book there shall be duplicate originals, one to be lodged in the office of the city clerk. These books, or either of them, shall be legal evidence of the fact of burial.

Referred to

in the act of 1829

1862 27/4/67

1861 55 509

510

1891 C. 58. 22

575.576

*Should be "Thirty Six"

Regulation of cemetery.

Religious principles respected.

Portions allotted to congregations.

Officiating of ministers.

Keeper.

7. The council may direct the further division or allotment of any portion of the public cemetery not already set apart. Further allotments.
8. The purchasers of lots in the cemetery, who have paid for them, shall hold the same in perpetuity for them and their kindred. Purchasers to have fee simple.
9. The council may sell the remaining lots in perpetuity. Sale of remainder.
10. The purchasers of the lots shall hold and use them, if situated within the allotment of any congregation, subject to the rules of the congregation, and further subject to any bye-law of the city respecting the fencing, planting, and mode of using them. Mode of holding lots.
11. The city shall keep a record of all lots sold, with the requisite particulars to verify the holders' titles. Record of lots sold.
12. A fee of five shillings for registry shall be paid to the keeper for the use of the city, upon every interment; and no other fee or charge shall be exacted. In case of paupers no fee shall be exacted. Fee for registry of interments.
13. The external walls or fences of the public cemetery shall be kept up and repaired at the charge of the city. Fences, expenses of.
14. No one shall bury the dead in any part of the city except in the public cemetery, the Roman catholic cemetery, the military burial ground at Fort Massy, the navy burial ground opposite the naval hospital, and the cemetery adjoining the episcopal chapel near Dutch Village brook, adjacent to the bridge at the three-mile house. To offend against this shall be a misdemeanor punishable by fine and imprisonment. Restriction of places of burial.

27th Nov 1861
C. 523
54th Dec 1861
C. 589, S. 589.

CHAPTER VII.

OF THE TRACK OF STEAMERS IN THE HARBOR OF HALIFAX. Harbor.

1. In order that the track of the steam ferry boats between the city and Dartmouth may be kept clear, vessels are not to be anchored, moored, or to lie within the portion of the harbor of Halifax following:— Limitation of anchorage as respects ferry steamer's track.

The space contained within a line drawn from the north-east corner of the market wharf to the north-eastern corner of the steamboat dock, as a western boundary,—a line from the north-eastern corner of the steamboat dock, extending in a direction towards the west end of Boggs' street in Dartmouth, until it reaches a point six hundred feet from the south-east end of Bauer's wharf, where a buoy shall be kept as a northern boundary,—a line from the north-east corner of the market wharf, in the direction of the north side of that wharf protracted eastwardly into the harbor six hundred feet from the end of the wharf, at which point another buoy shall be kept—and a direct line to reach from one of these buoys to the other, as an eastern boundary.

Mail steamer's
track.

2. In order that the passage for the royal mail steamers may not be impeded, no vessel shall be anchored, moored, or lie in the part of Halifax harbor to the southward of Collins' wharf, within a space to commence fifty fathoms from the eastern extremity of the line of wharves on the western side of the harbor, thence to extend one hundred and fifty fathoms eastwardly towards the centre thereof,—nor in that part of the harbor north of Collins' wharf any nearer than one hundred and fifty fathoms to the west side of the harbor, to be measured from the eastern extremity of the wharf which is nearest to such vessel.

Penalty for viola-
ting regulations
as to ferry stea-
mers.

3. If the master or other person in command of any vessel shall wilfully violate the foregoing provisions, as the limits appointed to be kept clear for the benefit of the ferry steamers, he shall pay a penalty not exceeding forty shillings, or if having under any circumstances anchored, or moored, or being within these limits, he shall not remove the vessel therefrom within two hours after written notice to that effect, he shall pay a like penalty, unless the state of the weather should make it dangerous to the vessel.

As to mail stea-
mers.

4. If the master or other person in command of any vessel shall either place it at anchor or suffer it to remain within the limits appointed herein to be kept clear for the track of the royal mail steamers, he shall pay a penalty of forty shillings; and after notice to remove given by the agent or some officer of the steamers, a further penalty of ten shillings an hour until the vessel is removed.

Vessels going into
or out of dock.

5. Vessels entering into, going out of, or lying in or at any dock, wharf, quay or pier, or dropping anchor in progress of coming or going, are not to be construed as violating the limits, if there be no unreasonable delay.

Display of lights.

6. If any vessel shall from any cause be within the prescribed limits at night, a sufficient light shall be exhibited at the mast-head or some conspicuous place, from the time darkness sets in,—if the vessel be within the space first described, until half past ten in the evening,—and if the vessel be within the space to be kept clear on account of the royal mail steamers, to be exhibited until the return of daylight,—under a penalty of forty shillings, to be paid by the master or person in command of the vessel.

Speed of steamers

7. No steamer entering or leaving Halifax harbor, vessels of war excepted, shall, while inside of George's island, proceed at more than half her usual speed, under a penalty of ten pounds, to be paid by the owner, master, or agent.

Recovery of pe-
nalities.

8. Penalties under this act may be recovered in the mayor's court, and shall be sued for in the name of the city, and if paid shall be for the use of the city.

CHAPTER VIII.

OF AUCTION LICENSES.

1. Auction licenses in the city of Halifax shall be granted by the city council, and shall be made out and issued by the clerk of the licenses, upon payment to the city treasurer of a duty of twenty pounds, and every such license shall continue in force for one year. Auction licenses.
2. The city clerk and the city clerk of licenses shall each for the entry and issuing such license and all proceedings connected therewith, be entitled to a fee of five shillings for the use of the city. Fees for.
3. If any person shall act as an auctioneer within the city without being thereto licensed, he shall for every offence forfeit fifty pounds. But nothing herein contained shall extend to sheriffs or other officers selling under process of law, or the decree or direction of any court. Penalties.

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